

1 UNITED STATES DISTRICT COURT
 2 EASTERN DISTRICT OF NEW YORK

3 -----X
 4 HEINS RODRIGUEZ,

5 PLAINTIFF,

6 -against-

Case No.:
 16 CV 5861 (NG) (RER)

7 CITY OF NEW YORK, Police Officer ZHENG ZUOPENG,
 8 Shield No. 25461; Police Officer ALLEN CHEN, Shield No.
 9 28461; Sergeant MATTHEW S. STARRANTINO; and JOHN
 10 And JANE DOE 1 through 10, individually and in their
 11 official capacities (the names John and Jane Doe being
 12 fictitious, as the true names are presently unknown),

13 DEFENDANTS.

14 -----X

15 DATE: July 18, 2018

16 TIME: 10:50 A.M.

17 DEPOSITION of the Plaintiff, HEINS

18 RODRIGUEZ, taken by the Defendant, pursuant to a Court
 19 Order and to the Federal Rules of Civil Procedure, held at
 20 the New York City Law Department, 100 Church Street, New
 21 York, New York 10007, before Enrique Alvarado, a Notary
 22 Public of the State of New York.

1 A P P E A R A N C E S:

2

3 ELEFTERAKIS, ELEFTERAKIS & PANEK
4 Attorneys for the Plaintiff
5 HEINS RODRIGUEZ
6 111 John Street
7 New York, New York 10038
8 BY: JEFFREY BROMFELD, ESQ.

7

8 ZACHARY W. CARTER, ESQ.
9 CORPORATION COUNSEL
10 NEW YORK CITY LAW DEPARTMENT
11 Attorneys for the Defendants
12 CITY OF NEW YORK, Police Officer ZHENG ZUOPENG,
13 Shield No. 25461; Police Officer ALEN CHEN, Shield
14 No. 28461; Sergeant MATTHEW S. STARRANTINO; and JOHN
15 and JANE DOE 1 through 10, individually and in their
16 official capacities (the names John and Jane Doe
17 being fictitious, as the true names are presently
18 unknown)
19 100 Church Street
20 New York, New York 10007
21 BY: ZACHARY BERGMAN, ESQ.
22 File #: 2016-043090
23 Control #: 170898

16

17 ALSO PRESENT:

18 Kevin Kelly, Esq.
19 New York City Law Department

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1 F E D E R A L S T I P U L A T I O N S

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4 IT IS HEREBY STIPULATED AND AGREED by and between
5 the counsel for the respective parties herein that the
6 sealing, filing and certification of the within deposition
7 be waived; that the original of the deposition may be
8 signed and sworn to by the witness before anyone authorized
9 to administer an oath, with the same effect as if signed
10 before a Judge of the Court; that an unsigned copy of the
11 deposition may be used with the same force and effect as if
12 signed by the witness, 30 days after service of the
13 original & 1 copy of same upon counsel for the witness.

14

15 IT IS FURTHER STIPULATED AND AGREED that all
16 objections except as to form, are reserved to the time of
17 trial.

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25

H. RODRIGUEZ

1 H E I N S R O D R I G U E Z, called as a witness, having
2 been first duly sworn by a Notary Public of the State of
3 New York, was examined and testified as follows:

4 EXAMINATION BY

5 MR. BERGMAN:

6 Q. Please state your name for the record.

7 A. Heins Rodriguez.

8 Q. What is your address?

9 A. 108-44 49th Avenue, Corona, New York 11368.

10 Q. Good morning Mr. Rodriguez.

11 A. Good morning.

12 Q. My name is Zachary Bergman and I represent the
13 defendants in this action. The purpose for this deposition
14 is for me to ask you questions about the August 13, 2015
15 incident that forms the basis for your lawsuit against the
16 defendants. Before we begin the deposition, I'm going to
17 give you some rules for the deposition. I ask that you
18 give verbal responses. Please do not say "a-ha" and please
19 do not nod or shake your head so that the court reporter
20 can transcribe your response. Do you understand?

21 A. Yes.

22 Q. Please keep your voice up and speak clearly so
23 that the court reporter can transcribe the deposition
24 accurately. Do you understand?

25 A. Yes.

H. RODRIGUEZ

1 Q. If there's any question that I ask that you do
2 not hear, let me know, I will repeat the question. Do you
3 understand?

4 A. Yes.

5 Q. If there is any question that I ask that you do
6 not understand, let me know and I will try my best to
7 rephrase the question. Do you understand?

8 A. Yes.

9 Q. Unless you tell me otherwise, I'll assume that
10 you understood and heard my question. Do you understand?

11 A. Yes.

12 Q. If you do not know the answer to a question,
13 please do not guess; tell me that you don't know. Do you
14 understand?

15 A. Yes.

16 Q. Please wait for me to finish my question
17 completely before you answer so that the court reporter can
18 transcribe a full question and a full answer. Do you
19 understand?

20 A. Yes.

21 Q. Do you understand that you have taken an oath to
22 tell the truth during this deposition?

23 A. Yes.

24 Q. Do you understand that even though we are not in
25 a courtroom, the oath you took today is the same oath you

H. RODRIGUEZ

1 will take as a witness in a courtroom if this case goes to
2 trial?

3 A. Yes.

4 Q. If you realize during the deposition that an
5 answer you give earlier was inaccurate or incomplete, let
6 me know and I will give you a chance to make a correction.
7 Do you understand?

8 A. Yes.

9 Q. You may also review the transcript of today's
10 deposition. After your review, you may correct any errors
11 that you find in the transcript. Do you understand?

12 A. Yes.

13 Q. If you make changes to the transcript, I will be
14 able to comment on those changes at trial. Do you
15 understand?

16 A. Yes.

17 Q. If you need to take a break please let me know.
18 I ask however that you answer any question that's pending
19 before we take the break. Do you understand?

20 A. Yes.

21 Q. Is English your first language?

22 A. Yes.

23 Q. Do you understand the rules of this deposition?

24 A. Yes.

25 Q. Is there any reason that you cannot testify

H. RODRIGUEZ

1 truthfully and accurately testify?

2 A. No.

3 Q. Do you have any physical or mental condition that
4 could interfere with your ability to testify today?

5 A. No.

6 Q. Do you have any physical or mental condition that
7 impairs your memory?

8 A. Not that I know of.

9 Q. Have you taken any medications in the last
10 24 hours?

11 A. Yes.

12 Q. What medications have you taken in the last
13 24 hours?

14 A. Pain medication such as Motrin, Advil and I think
15 it's called "Boswell."

16 Q. Boswell?

17 A. I'm not sure if that's the name.

18 Q. Do you take both Motrin and Advil?

19 A. Yes.

20 Q. When was the last time you took Motrin?

21 A. Last night.

22 Q. And do you know what dosage you took?

23 A. 500 milligrams.

24 Q. And why did you take 500 milligrams of Motrin
25 last night?

H. RODRIGUEZ

- 1 A. Pain medication.
- 2 Q. Do you regularly take that?
- 3 A. Yes.
- 4 Q. And how often do you take that?
- 5 A. Every day to go to sleep.
- 6 Q. So you take it at night every night?
- 7 A. Correct.
- 8 Q. And you also indicated that you took Advil; is
- 9 that correct?
- 10 A. Correct.
- 11 Q. When was the last time you took Advil?
- 12 A. Two days ago.
- 13 Q. And why did you take Advil two days ago?
- 14 A. As well for pain medication.
- 15 Q. Do you know what dosage you took?
- 16 A. I don't recall.
- 17 Q. And then you also indicated that you took what we
- 18 think is called "Boswell"; is that correct?
- 19 A. Correct.
- 20 Q. Is that prescribed or is that over the counter?
- 21 A. Correct, prescribed.
- 22 Q. And who gave you that prescription?
- 23 A. Dr. Golzad.
- 24 Q. And to your best ability, could you spell out the
- 25 name of that medication?

H. RODRIGUEZ

- 1 A. B-O-S-W-E-L-L.
- 2 Q. And do you know what dosage of Boswell you took?
- 3 A. I don't remember.
- 4 Q. And what did you last take Boswell?
- 5 A. Yesterday.
- 6 Q. Do you know approximately what time yesterday?
- 7 A. In the morning.
- 8 Q. And how often do you take Boswell?
- 9 A. Before a meal.
- 10 Q. Before every meal?
- 11 A. Right, correct.
- 12 Q. Have you not eaten since yesterday morning?
- 13 A. I haven't ate; no breakfast.
- 14 Q. Did you have lunch or dinner yesterday?
- 15 A. Barely.
- 16 Q. And why do you take Boswell?
- 17 A. For my head.
- 18 Q. When you say it's for your head, what do you
- 19 mean?
- 20 A. I can't exactly say. I don't remember the actual
- 21 diagnosis of the doctor.
- 22 Q. What kind of doctor is Dr. Golzad?
- 23 A. Neurology, I think it is.
- 24 Q. And when did you start seeing Dr. Golzad?
- 25 A. Last week.

H. RODRIGUEZ

1 Q. And can you describe the symptoms that brought
2 you to first see Dr. Golzad?

3 A. Headaches, pain in my head, dizziness, blurry
4 vision.

5 Q. And when did you start experiencing those
6 symptoms?

7 A. I could say more than two years now.

8 Q. How many times do you think you've taken Boswell
9 since you saw Dr. Golzad?

10 A. About ten times at least.

11 Q. And to the best of your ability to answer this
12 question, has taking Boswell affected your memory at all?

13 A. I can't say as of right now.

14 Q. Do you feel comfortable going forward with this
15 deposition?

16 A. Yes.

17 Q. So you indicated earlier that you've taken
18 Boswell, Advil and Motrin recently. Is there anything else
19 that you've taken?

20 A. Tylenol.

21 Q. When was the last time you took Tylenol?

22 A. This week.

23 Q. Okay. And why did you take that?

24 A. For pain medication as well.

25 Q. Is there a reason that you took Motrin, Advil and

H. RODRIGUEZ

1 Tylenol for pain medication?

2 A. I take what's available for me at the store.

3 Q. So those things are not prescribed to you; is
4 that correct?

5 A. No.

6 Q. Now is there any medication that you were suppose
7 to take in the last 24 hours that you have not taken?

8 A. No.

9 Q. Have you consumed any alcohol within the last
10 24 hours?

11 A. No.

12 Q. Have you used any drugs such as narcotics or
13 marijuana within the last 24 hours?

14 A. No.

15 Q. Have you ever been deposed before?

16 A. I don't understand your question.

17 Q. Have you ever been to a deposition before?

18 A. Yes.

19 Q. How many times have you been to a deposition
20 before?

21 A. Once.

22 Q. And do you know when that was?

23 A. I don't recall.

24 Q. And was that involving this matter or something
25 else?

H. RODRIGUEZ

1 A. This matter.

2 Q. Now aside from the deposition you testified about
3 a second ago, have you ever testified as a witness before
4 in anything?

5 A. No.

6 Q. Other than this case, have you brought any
7 lawsuits against the City of New York or any other New York
8 City agency before?

9 A. No.

10 Q. Other than this case, have you ever been a
11 plaintiff in a civil lawsuit?

12 A. Can you say that question?

13 Q. Sure. Have you ever brought any other lawsuits
14 before?

15 A. Yes.

16 Q. How many other lawsuits have you brought?

17 A. One.

18 Q. And when did you bring that lawsuit?

19 A. 2005.

20 Q. And who were the parties to that lawsuit?

21 A. I don't recall.

22 Q. Do you know who you sued?

23 A. I don't remember. I was young.

24 Q. Do you know what that case was about?

25 A. Broken ankle.

H. RODRIGUEZ

1 Q. And I take it it was your ankle that broke?

2 A. Correct.

3 Q. Which ankle was that?

4 A. Left.

5 Q. How did your ankle break?

6 A. Someone fell on it.

7 Q. How did that happen?

8 A. Playing football.

9 Q. Do you know what the outcome of that case was?

10 A. I don't recall.

11 Q. Was there ever a trial?

12 A. No.

13 Q. Did you ever have to give any testimony?

14 A. I believe so.

15 Q. And was it in a setting like this or in court or
16 something else?

17 A. A setting like this.

18 Q. And were you represented by an attorney at the
19 time?

20 A. Correct.

21 Q. Do you know who that was?

22 A. No.

23 Q. You said earlier that the lawsuit was about a
24 broken ankle; is that correct?

25 A. Correct.

H. RODRIGUEZ

1 Q. Did you make any claims about any other injuries
2 during that lawsuit?

3 A. No.

4 Q. Have you ever been a defendant in a civil
5 lawsuit?

6 A. No.

7 Q. Have you ever been a third party witness in a
8 civil lawsuit?

9 A. No.

10 Q. Have you ever filed for bankruptcy?

11 A. No.

12 Q. Have you ever filed a claim with the New York
13 State Human Rights Commission?

14 A. I don't know.

15 Q. Have you ever filed a claim with the New York
16 City Human Rights Commission?

17 A. I don't know.

18 Q. Have you ever been a party to a Family Court
19 proceeding?

20 A. No.

21 Q. Have you ever been married?

22 A. No.

23 Q. Have you ever been a party to a case in Small
24 Claims Court?

25 A. No.

H. RODRIGUEZ

1 Q. Have you ever been a party to a child custody
2 proceeding?

3 A. No.

4 Q. Have you ever been a party to a child support
5 proceeding?

6 A. Can you repeat the question?

7 Q. Sure. Have you ever been a party to a child
8 support proceeding?

9 A. No.

10 Q. Have you ever been the subject of a protective
11 order or a restraining order?

12 A. No.

13 Q. Have you ever sought an order of protection or
14 restraining order against anybody else?

15 A. No.

16 Q. Have you ever testified in Court before?

17 A. No.

18 Q. Have you ever testified at a parole hearing?

19 A. No.

20 Q. Are you represented by an attorney today in this
21 case?

22 A. Yes.

23 Q. And who is representing you today?

24 A. Jeff.

25 Q. Is that Jeffrey Bromfeld?

H. RODRIGUEZ

1 A. Correct.

2 Q. And when did you first meet Mr. Bromfeld?

3 A. Some days from now, a few days ago.

4 Q. And you're also represented in this case by Baree
5 Fett and Gabriel Harvis; is that correct?

6 A. Correct.

7 Q. And when did you first meet Mr. Harvis and
8 Ms. Fett?

9 A. I would say approximately two years ago.

10 Q. Now your lawsuit is about an August 13, 2015
11 incident; is that correct?

12 A. Correct.

13 Q. How much time passed between August 13, 2015, and
14 when you first met either Mr. Harvis or Ms. Fett?

15 A. I would say approximately a few months.

16 Q. And did anyone refer you to Mr. Harvis or Ms.
17 Fett?

18 A. Can you repeat the question?

19 Q. Did anyone refer you to Mr. Harvis or Ms. Fett?

20 A. I don't recall.

21 Q. Do you know how you came to find them?

22 A. A family member, friend of a family member.

23 Q. Do you recall who that was?

24 A. No.

25 Q. And has that individual ever been present for any

H. RODRIGUEZ

1 meetings between yourself and Mr. Harvis or Ms. Fett?

2 A. No.

3 Q. Have any of the attorneys we just discussed ever
4 represented you in any other legal matter?

5 A. No.

6 Q. Have you ever met with any of the attorneys we
7 just discussed in the presence of anybody else?

8 A. Can you repeat the question?

9 Q. Sure, I'll rephrase it. How many times do you
10 think you've met with the attorneys we just discussed?

11 A. Numerous times.

12 Q. And during those meetings, was there ever anybody
13 else that was present during the meetings?

14 A. No.

15 Q. To the best of your understanding, what is the
16 fee arrangement between you and your attorneys in the
17 present matter?

18 MR. BROMFELD: Just note my objection.

19 A. Can you repeat the question? I couldn't hear it
20 clearly.

21 Q. Sure. To the best of your understanding, what is
22 the fee arrangement between yourself and your attorneys in
23 this case?

24 A. I don't know.

25 MR. BERGMAN: We might call for the

H. RODRIGUEZ

1 production of the fee arrangements between
2 Plaintiff and Counsel.

3 Q. Did you meet with any attorneys to prepare for
4 this deposition whether in person, or by phone, or any
5 other means?

6 A. Yes.

7 Q. How many times?

8 A. Once.

9 Q. And do you recall when that was?

10 A. Yesterday.

11 Q. And how long was that meeting?

12 A. Approximately an hour.

13 Q. And who was present for that meeting?

14 A. Jeff.

15 Q. Was anybody else there?

16 A. No.

17 Q. Now aside from Mr. Bromfeld, did you meet or talk
18 with anybody else about today's deposition?

19 A. John.

20 MR. BROMFELD: John Elefterakis, by Counsel.

21 Q. And aside from the individual you just identified
22 as John, did you meet or talk with anybody else about
23 today's deposition?

24 A. No.

25 Q. When did you speak with Mr. Elefterakis about

H. RODRIGUEZ

1 today's deposition?

2 A. Yesterday.

3 Q. And how long did you speak with Mr. Elefterakis
4 for?

5 A. Approximately five minutes.

6 Q. Did you review any documents or videos regarding
7 the events of August 13, 2015, to prepare for today's
8 deposition?

9 A. Yes.

10 Q. What did you review?

11 A. The video of my accident.

12 Q. Anything else?

13 A. 50-h.

14 MR. BROMFELD: The transcript?

15 THE WITNESS: Correct.

16 Q. Earlier you testified about a deposition you
17 gave. Were you referring to the 50-h?

18 A. Correct.

19 Q. And were you shown those things by your
20 attorneys?

21 A. Can you repeat?

22 Q. Were you shown the video and the 50-h transcript
23 by your attorneys?

24 A. Correct.

25 Q. Other than an attorney, have you discussed the

H. RODRIGUEZ

1 events of August 13, 2015, or this lawsuit, with anybody
2 else?

3 A. No.

4 Q. Other than an attorney, did anyone give you any
5 advice on how you should testify today?

6 A. No.

7 Q. Other than an attorney, did you tell anyone you
8 were coming to testify today?

9 A. No.

10 Q. Have you written or e-mailed anyone or has anyone
11 written or e-mailed you regarding the events of August 13,
12 2015, aside from any of your attorneys?

13 A. Can you repeat the question?

14 Q. Aside from your attorneys, have you written or
15 e-mailed anyone or has anyone written or e-mailed you about
16 the events on August 13, 2015?

17 A. No.

18 Q. Do you have any handwritten notes or documents
19 regarding the August 13, 2015 incident that you're bringing
20 this lawsuit about?

21 A. Can you repeat the question?

22 Q. Sure. Do you have any handwritten notes or
23 documents about the August 13, 2015 incident that you
24 prepared?

25 A. No.

H. RODRIGUEZ

1 Q. Have you ever been known by a name other than
2 Heins Rodriguez?

3 A. No.

4 Q. Do you have a middle name?

5 A. Yes.

6 Q. What is your middle name?

7 A. Williams.

8 Q. Do you ever use your middle name?

9 A. No.

10 Q. Was there any reason you have not used your
11 middle name during the pendency of this lawsuit?

12 A. No.

13 Q. What is your date of birth?

14 A. XX/XX/XXXX.

15 MR. BROMFELD: Can we put X's on the
16 transcript for the date and I'm assuming you're
17 going to ask for the social security number.

18 MR. BERGMAN: Let's just put the last four
19 numbers on the record.

20 MR. BROMFELD: That's fine.

21 Q. Please give us your social security number.

22 A. XXXXXXXXXX

23 Q. And where were you born?

24 A. New York, Queens.

25 Q. And you're a citizen; is that correct?

H. RODRIGUEZ

1 A. Yes.

2 Q. And how tall are you?

3 A. Approximately 5'8.

4 Q. And sitting here today how much do you weigh?

5 A. Approximately 160 pounds.

6 Q. Do you know what your approximate weight was on

7 August 13, 2015?

8 A. No.

9 Q. Do you think you weighed substantially more than

10 160 pounds?

11 A. I don't know.

12 Q. Do you think you weighed substantially less than

13 160 pounds?

14 A. No.

15 Q. Are you right-handed or left-handed?

16 A. Right-handed.

17 Q. Do you have any trouble with your hearing?

18 A. Not that I know of.

19 Q. What is your current mailing address?

20 A. [REDACTED]

21 Q. Is that where you currently reside?

22 A. Correct.

23 Q. What type of residence is that?

24 A. It's a house.

25 Q. And how long have you lived there?

H. RODRIGUEZ

1 A. Approximately more than ten years.

2 Q. And who, if anyone, do you live there with?

3 A. My mother.

4 Q. What is her name?

5 A. Lydia.

6 Q. And her last name?

7 A. Miranda.

8 Q. Has Ms. Miranda lived with you the entire time
9 you've resided in that location?

10 A. Correct.

11 Q. Has anyone else lived with you at any point in
12 time during your residency at that location?

13 A. Can you repeat that again?

14 Q. Sure. Has anyone else ever lived with you and
15 Ms. Miranda while you lived at [REDACTED]

16 A. My father.

17 Q. And what is his name?

18 A. William.

19 Q. And his last name is Rodriguez?

20 A. Correct.

21 Q. And when did Mr. Rodriguez stop living at that
22 location?

23 A. I don't remember.

24 Q. Do you think it was more than five years ago?

25 A. I don't remember.

H. RODRIGUEZ

1 Q. Did Mr. Rodriguez live with you in August 2015?

2 A. No.

3 Q. Has he lived with you at any time since August of
4 2015?

5 A. No.

6 Q. Have you ever been evicted from a residence?

7 A. No.

8 Q. Aside from Mr. Rodriguez and Ms. Miranda, has
9 anyone else ever lived with you at your current residence?

10 A. No.

11 Q. And do you know why Mr. Rodriguez ceased living
12 with you?

13 A. Can you repeat that?

14 Q. Do you know why Mr. Rodriguez stopped living at
15 that location?

16 A. Separation.

17 Q. Do you know how old you were when your parents
18 separated?

19 A. I don't remember.

20 Q. Do you think you were older than 18?

21 A. Yes.

22 Q. Do you have a driver's license?

23 A. Yes.

24 Q. What state issued the license?

25 A. New York.

H. RODRIGUEZ

1 Q. Is the address on your license the same as the
2 address you gave earlier?

3 A. Yes.

4 Q. Do you know when you obtained your driver's
5 license?

6 A. Approximately a year ago.

7 Q. Since obtaining your driver's license has it ever
8 been revoked?

9 A. No.

10 Q. Has your license ever been suspended?

11 A. No.

12 Q. Do you currently have your driver's license on
13 you?

14 A. Yes.

15 Q. Can you please take it out and give us the
16 driver's license ID number?

17 MR. BROMFELD: Again if we could just put Xs
18 in the transcript for this, please.

19 A. XXXXXXXXXX.

20 Q. And can you just give us the date of issuance on
21 that also?

22 A. May 29, 2018.

23 Q. So you just got it a few months ago?

24 A. Renewed.

25 Q. But you first obtained it about a year ago?

H. RODRIGUEZ

- 1 A. Approximately.
- 2 Q. And what brought you to get a license a year ago?
- 3 A. My age.
- 4 Q. What do you mean by that?
- 5 A. I needed a driver's license.
- 6 Q. Why did you need a driver's license?
- 7 A. To work.
- 8 Q. Did you attend high school?
- 9 A. Yes.
- 10 Q. What high school did you attend?
- 11 A. Flushing High School.
- 12 Q. Where was that located?
- 13 A. In Flushing, Queens.
- 14 Q. Were you ever suspended from school?
- 15 A. Not that I remember.
- 16 Q. Were you ever expelled from any school?
- 17 A. No.
- 18 Q. Did you graduate high school?
- 19 A. Yes.
- 20 Q. And after attending high school, did you receive
- 21 any other education?
- 22 A. Yes.
- 23 Q. Can you describe that for me?
- 24 A. Associate's in psychology.
- 25 Q. When did you obtain that?

H. RODRIGUEZ

1 A. You said when?

2 Q. Yes.

3 A. Approximately 2012, 2013.

4 Q. And where did you obtain your associate's?

5 A. LaGuardia Community College.

6 Q. Where is that located?

7 A. Long Island City.

8 Q. New York?

9 A. Yes.

10 Q. And how long did you attend LaGuardia Community
11 College?

12 A. Throughout my two years of school.

13 Q. Okay. Aside from attending LaGuardia Community
14 College, have you attended any other educational
15 institutions since graduating high school?

16 A. Can you repeat that again?

17 Q. Sure. Aside from going to LaGuardia Community
18 College, have you taken college classes anywhere else?

19 A. No.

20 Q. And have you been to any sort of formal training
21 program or educational program anywhere else?

22 A. I got accepted by Hunter College.

23 Q. When did you get into Hunter College?

24 A. Right after I graduated from LaGuardia.

25 Q. Did you attend Hunter College?

H. RODRIGUEZ

1 A. I didn't start my semester.

2 Q. Why not?

3 A. I had to work.

4 Q. Now aside from getting into Hunter College, did
5 you receive any formal training or education at any other
6 institutions since attending LaGuardia?

7 A. Not that I remember.

8 Q. Have you ever served in the military?

9 A. No.

10 Q. Have you ever been employed?

11 A. Yes.

12 Q. Are you currently employed?

13 A. Yes.

14 Q. Where do you currently work?

15 A. Sonnier & Castle.

16 Q. Can you spell that?

17 A. S-O-N-N-I-E-R & Castle.

18 Q. And what kind of company is Sonnier & Castle?

19 A. It's a luxury purveyor catering company.

20 Q. And where is that located?

21 A. On 48th Street and 11th Avenue.

22 Q. In New York?

23 A. Yes.

24 Q. Is that in Queens?

25 A. Manhattan.

H. RODRIGUEZ

1 Q. And how long have you been employed there?

2 A. Since May of this year.

3 Q. And what is your job title there?

4 A. I'm a waiter.

5 Q. And how many hours a week do you work there?

6 A. Approximately 15 to 25.

7 Q. And what does it depend on?

8 A. Pain and -- my pain and availability.

9 Q. And what are your duties working there?

10 A. Serving food, bussing food, plates, dirty plates,
11 passing hors d'oeuvres.

12 Q. Anything else?

13 A. Preparing my station.

14 Q. So just to be clear, this is catering a la carte?

15 A. Correct.

16 Q. So when you're working are you on your feet the
17 entire time?

18 A. The majority.

19 Q. And are you required to set up tables or anything
20 along those lines?

21 A. Sometimes.

22 Q. Do you have to move chairs?

23 A. No.

24 Q. Do you have set up or break down food stations?

25 A. No.

H. RODRIGUEZ

1 Q. So you indicated earlier that you work
2 approximately 15 to 25 hours a week, correct; how long are
3 your shifts normally?

4 A. 10 to 13 hours approximately.

5 Q. So is it correct to say that you normally work
6 one or two days a week and that you attend a 13-hour shift?

7 A. Correct.

8 Q. And are you paid hourly or in some other fashion?

9 A. Hourly.

10 Q. And how much money do you make per hour?

11 A. 25.

12 Q. \$25?

13 A. Correct.

14 Q. Do you also ever receive tips?

15 A. No.

16 Q. And how often are you paid?

17 A. Weekly.

18 Q. Do you have a supervisor?

19 A. I don't know his name.

20 MR. BROMFELD: Is the answer yes?

21 THE WITNESS: Yes.

22 Q. Is it your testimony that you don't know your
23 supervisor's name?

24 A. Correct.

25 Q. Is it a male or a female?

H. RODRIGUEZ

1 A. Female.

2 Q. And has your current supervisor been your
3 supervisor since May of 2018?

4 A. I don't know.

5 Q. Is there a reason you're not able to answer that
6 question?

7 A. I'm not sure if the supervisor -- well, the
8 person that I believe is the supervisor. That's why.

9 Q. Is there someone that you directly report to?

10 A. Yes.

11 Q. And do you know that person's name?

12 A. Elena.

13 Q. Do you know Elena's last name?

14 A. No.

15 Q. And have you directly reported to Elena since May
16 of 2018?

17 A. Yes.

18 Q. Since May of 2018, have you ever been injured
19 while working?

20 A. No.

21 Q. Other than your current job, do you have any
22 other source of income?

23 A. No.

24 Q. Now prior to taking your present job, when was
25 the last time you were employed?

H. RODRIGUEZ

1 A. Approximately 2015.

2 Q. And where were you employed at that time?

3 A. Forrest Staffing Solutions.

4 Q. And what sort of company is that?

5 A. Also a catering agency.

6 Q. And how long were you employed there?

7 A. Approximately two to three years.

8 Q. What was your job title there?

9 A. Service technician.

10 Q. And what does a service technician do?

11 A. Waitering and bartending at corporate offices.

12 Q. And can you describe your duties a little bit
13 more fully?

14 A. There I would have to prepare my stations, food
15 stations; make sure everything was prepared before certain
16 companies, corporate companies, would show up; same thing
17 as also cleaning up, picking up plates, after they were
18 done.

19 Q. Would you say your current job is significantly
20 different than your prior job?

21 A. Yes.

22 Q. How so?

23 A. Not just corporate offices, it's more private
24 events as well.

25 Q. But in terms of your job tasks are they

H. RODRIGUEZ

1 essentially the same?

2 A. No, it's less preparation I would say.

3 Q. Okay. Would you say it's as physically taxing as
4 your old job?

5 A. Not as much no.

6 Q. At your prior job, how many days a week did you
7 work?

8 A. Approximately four days a week.

9 Q. And how many hours a day would you typically
10 work?

11 A. Approximately five to eight hours.

12 Q. So it's safe to say that you worked somewhere
13 between 20 and 35 hours a week normally?

14 A. Yes.

15 Q. And what was your salary at that time?

16 A. I don't recall.

17 Q. Do you recall how often you were paid?

18 A. Weekly.

19 Q. Did you have a supervisor at that time?

20 A. Yes.

21 Q. Do you recall who that was?

22 A. Virgil.

23 Q. Do you know Virgil's last name?

24 A. No.

25 Q. How long was Virgil your supervisor?

H. RODRIGUEZ

1 A. During the time I was there.

2 Q. What is the location of that employer?

3 A. Which one?

4 Q. Your prior employer.

5 A. It's in Manhattan.

6 Q. Do you recall where in Manhattan?

7 A. Near Times Square district.

8 Q. What is the name of that location again?

9 A. Forrest Staffing Solutions.

10 Q. And while working at Forrest Staffing, were you
11 ever injured at the job?

12 A. No.

13 Q. Is it correct that you say that you no longer
14 work at Forrest Staffing?

15 A. Yes.

16 Q. And why did you leave Forrest Staffing?

17 A. Due to my condition after the accident.

18 Q. Do you know when you left Forrest Staffing?

19 A. I don't.

20 Q. Do you recall the last time you worked at Forrest
21 Staffing?

22 A. I don't.

23 Q. Was it before or after August 13, 2015?

24 A. Before.

25 Q. You stopped working at Forrest Staffing before

H. RODRIGUEZ

1 August 13, 2015?

2 A. No.

3 Q. Do you know how much time passed between
4 August 13, 2015, and when you stopped working at Forrest
5 Staffing?

6 A. I don't remember.

7 Q. Do you think it was more than six months?

8 A. No.

9 Q. Do you think it was more than three months?

10 A. No.

11 Q. Do you think it was more than a month?

12 A. No.

13 Q. Now while you were working at Forrest Staffing,
14 did you receive any other source of income?

15 A. No.

16 Q. Now aside from your current job and Forrest
17 Staffing, have you ever otherwise been employed?

18 A. Can you repeat that question?

19 Q. Sure. Aside from the job you have now and
20 Forrest Staffing, have you ever worked anywhere else?

21 A. Yes.

22 Q. Where else have you worked?

23 A. River Park.

24 Q. And aside from River Park, anywhere else?

25 A. Blue Fin.

H. RODRIGUEZ

1 Q. And aside from River Park and Blue Fin, anywhere
2 else?
3 A. Frames.
4 Q. And aside from those three, anywhere else?
5 A. Kibo.
6 Q. Kibo?
7 A. Yes.
8 Q. And aside from Kibo, is there anywhere else?
9 A. BJ's Wholesale Club.
10 Q. And aside from BJ's is there anywhere else?
11 A. Summer youth program.
12 Q. Is that everything?
13 A. Yes.
14 Q. When did you work at River Park?
15 A. Approximately 2014.
16 Q. And what about at Blue Fin?
17 A. Approximately 2012.
18 Q. And Frames?
19 A. Approximately 2014 as well.
20 Q. And Kibo?
21 A. 2012.
22 Q. And BJ's?
23 A. 2011, 2012 approximately.
24 Q. And then the summer youth program you discussed
25 earlier?

H. RODRIGUEZ

1 A. 2006.

2 Q. Starting with River Park, what sort of company is
3 that?

4 A. It's a restaurant.

5 Q. And what was your job at River Park?

6 A. Food runner and expeditor.

7 Q. And I know you said you worked there in 2004. Do
8 you know approximately how long you worked there for?

9 A. Can you say that again?

10 Q. Sure. Do you know approximately how long you
11 worked at River Park for?

12 A. Approximately a year.

13 Q. And do you know when you started working there?

14 A. I don't remember.

15 Q. Were you working there at the same time you
16 worked at Forrest Staffing?

17 A. Where?

18 Q. At Forrest Staffing.

19 A. Where?

20 Q. At River Park.

21 A. Yes.

22 Q. And when you worked at River Park, how many days
23 a week were you working?

24 A. Approximately 5 to 6 days.

25 Q. And how many hours a day would you typically

H. RODRIGUEZ

1 work?

2 A. Approximately 8 to 10 hours.

3 Q. And why did you stop working at River Park?

4 A. A better opportunity.

5 Q. And what was that?

6 A. Forrest Staffing Solutions.

7 Q. But you were working at the two of them
8 simultaneously for a while, correct?

9 A. Yes.

10 Q. What was the better opportunity?

11 A. To work at Chase Corporate.

12 Q. Could you describe what you mean by that?

13 A. To be a bartender for Chase Corporate Offices in
14 Manhattan.

15 Q. And you worked for Chase Corporate Offices?

16 A. No, through Forrest Staffing Solutions; my
17 opportunity.

18 Q. Can you just describe what you mean by that?

19 A. Forrest Staffing Solutions was giving me the
20 opportunity to work with Chase Corporate.

21 Q. On like a full-time basis?

22 A. Correct.

23 Q. Did you take that opportunity?

24 A. I wanted to.

25 Q. What happened?

H. RODRIGUEZ

1 A. August 13th.

2 Q. So is it correct to say that you worked for River
3 Park in 2015 as well?

4 A. No. Approximately I would say maybe beginning of
5 the year.

6 Q. I want to make sure we get this. So correct me
7 if I'm wrong, you were working at River Park and at Forrest
8 Staffing at the same time?

9 A. Correct.

10 Q. And then you were given the opportunity to work
11 at Chase Corporate?

12 A. Correct.

13 Q. So you stopped working at River Park?

14 A. Correct.

15 Q. Do you know when the opportunity to work at Chase
16 Corporate arose?

17 A. I don't recall right now.

18 Q. To the best of your recollection, you were not
19 working for River Park in August of 2015?

20 A. No.

21 Q. Were you ever injured while you were working at
22 River Park?

23 A. No.

24 Q. Just to expedite this, were you ever injured
25 while working for Blue Fin, or Frames, or Kibo, or BJ's or

H. RODRIGUEZ

1 the summer youth program?

2 A. No. Summer youth program.

3 Q. And how were you injured while working there?

4 A. My broken ankle.

5 Q. Okay. And what was your position while you
6 worked there?

7 A. Counselor.

8 Q. Do you know the name of that summer youth
9 program?

10 A. No.

11 Q. Do you know where it's located?

12 A. Queens.

13 Q. And you indicated earlier that you worked at Blue
14 Fin. What sort of organization is Blue Fin?

15 A. A restaurant.

16 Q. And what was your position there?

17 A. Food runner.

18 Q. What does being a food runner consist of?

19 A. Just serving food.

20 Q. And then you also indicated that you worked at
21 Frames in 2014; is that correct?

22 A. Yes.

23 Q. Did you work at Frames at the same time you
24 worked at River Park and at Forrest Staffing?

25 A. Not River Park.

H. RODRIGUEZ

1 Q. How long did you work at Frames for?

2 A. Approximately six months.

3 Q. And why did you cease working at Frames?

4 A. Just didn't like it.

5 Q. And what was your job at Frames?

6 A. Expediter.

7 Q. And what does an expediter do?

8 A. Make sure every food order comes out according to
9 time, on time, and it's the correct party.

10 Q. What kind of organization is Frames?

11 A. Its a restaurant/bar bowling alley.

12 Q. And where is that located?

13 A. Port Authority.

14 Q. I don't think I asked you this: Where is Blue
15 Fin located?

16 A. Times Square district as well.

17 Q. And were you working at Frames at the same time
18 you were working at Forrest Staffing?

19 A. Yes.

20 Q. And how many hours a week did you work at Frames?

21 A. I don't remember.

22 Q. And you also indicated that you worked at Kibo?

23 A. Yes.

24 Q. Is that also a restaurant or a food purveyor?

25 A. Yes.

H. RODRIGUEZ

1 Q. What was your position there?

2 A. Food runner.

3 Q. Why did you stop working there?

4 A. Business closed down.

5 Q. And do you recall where that was located?

6 A. 18th Street in Manhattan.

7 Q. And how long did you work there for?

8 A. Approximately five months.

9 Q. Before they closed?

10 A. Yes.

11 Q. And then prior to that you were working at BJ's
12 correct?

13 A. Yes.

14 Q. And what were you doing at BJ's?

15 A. Store clerk.

16 Q. What does being a store clerk consist of?

17 A. Preparing just bread, making sure the client
18 needed the correct, you know, order when coming to buy
19 bread.

20 Q. Do you know how many days a week you were working
21 there approximately?

22 A. Five.

23 Q. And do you recall how many hours a day you
24 typically worked?

25 A. Eight hours approximately, seven to eight hours.

H. RODRIGUEZ

1 Q. So you were working around 35 to 40 hours a week?

2 A. Correct.

3 Q. And do you recall how much money you were making
4 at that time?

5 A. No.

6 Q. Why did you stop working at BJ's?

7 A. School.

8 Q. Was that to attend LaGuardia?

9 A. Correct.

10 Q. Have you ever received social security before?

11 A. No.

12 Q. What about social security insurance or SSI
13 benefits?

14 A. No.

15 Q. Have you ever received any sort of disability
16 benefits?

17 A. No.

18 Q. Have you ever applied for disability benefits?

19 A. No.

20 Q. What sort of expenses do you currently have?

21 A. Daily expenses as in food, rent, gas.

22 Q. How much do you typically spend on rent?

23 A. Approximately 300.

24 Q. And on a monthly basis how much do you spend on
25 food?

H. RODRIGUEZ

1 A. I don't know.

2 Q. Were you contributing to rent on August 13, 2015?

3 A. Yes.

4 Q. And do you recall how much you were contributing
5 at that time?

6 A. Approximately the same.

7 Q. And at any point in time since August have you
8 not contributed to rent?

9 A. Yes.

10 Q. When was that?

11 A. This year.

12 Q. And what period of time was that?

13 A. I don't understand the question.

14 Q. Sure. Do you contribute to rent monthly?

15 A. Correct.

16 Q. Do you recall how many months you did not
17 contribute rent?

18 A. Approximately half a year.

19 Q. And why was that?

20 A. I ran out of savings.

21 Q. You started contributing again; is that correct?

22 A. Yes.

23 Q. Have you taken out any loans based on a possible
24 monetary recovery in this case?

25 A. No.

H. RODRIGUEZ

1 Q. Does any person or company have a lien against
2 any monitory recovery in this case?

3 A. Can you repeat the question?

4 Q. Sure. Does any person or company have a lien
5 against any monitory recovery in this case?

6 A. I don't know.

7 Q. Have you ever received public assistance?

8 A. I don't know.

9 Q. Have you ever received food stamps?

10 A. No.

11 Q. Have you ever received Medicaid?

12 A. No.

13 Q. Have you ever received Medicare?

14 A. I don't know.

15 Q. Have you ever received a New York State benefits
16 card?

17 A. I don't know.

18 Q. Have you ever been arrested in New York?

19 A. Yes.

20 Q. How many times have you been arrested in New
21 York?

22 A. Approximately three times.

23 Q. Have you ever been arrested outside of New York?

24 A. No.

25 Q. When was the first time that you were arrested in

H. RODRIGUEZ

1 New York?

2 A. I don't remember.

3 Q. Do you think it was more than ten years ago?

4 A. No.

5 Q. Do you think it was more than five years ago?

6 A. I don't remember.

7 Q. Okay. Have you ever been ordered by a Court to
8 undergo an anger management treatment?

9 A. Can you repeat that question?

10 Q. Sure. Have you ever been ordered to undergo
11 anger management treatment?

12 A. No.

13 Q. And have you ever been ordered by a Court to
14 undergo any sort of psychological counseling?

15 A. No.

16 Q. So can you tell me about the first time you were
17 arrested? What were the underlying circumstances of that
18 arrest?

19 A. Jumping a turnstile.

20 Q. Were you over the age of 18 at the time?

21 A. Yes.

22 Q. Do you know what you were charged with if
23 anything?

24 A. I don't remember.

25 Q. Do you know where that arrest occurred?

H. RODRIGUEZ

1 A. In Manhattan.

2 Q. Were you injured at all during the course of the
3 arrest?

4 A. No.

5 Q. Did you resist arrest?

6 A. No.

7 Q. Were you accused of resisting arrest?

8 A. I don't remember.

9 Q. Did you injure a police officer?

10 A. No.

11 Q. Have you ever been accused of injuring a police
12 officer?

13 A. No.

14 Q. Were you taken to a precinct as a result of that
15 arrest?

16 A. Yes.

17 Q. Were you detained in a cell at the precinct?

18 A. Yes.

19 Q. How long were you detained for?

20 A. I would say approximately a day or two.

21 Q. Were you taken to central booking?

22 A. I don't remember.

23 Q. Were you eventually arraigned?

24 A. I don't know.

25 Q. Did you ever go before a judge?

H. RODRIGUEZ

1 A. I don't think so.

2 Q. Do you know what happened in that case?

3 A. Dismissed.

4 Q. Do you know why it was dismissed?

5 A. I don't know.

6 Q. Did you ever have to make any court appearances?

7 A. I think it was not dismissed. It was ACD.

8 Q. Okay. Is that an adjournment in contemplation of
9 dismissal?

10 A. I think so.

11 Q. And do you know what the terms of that were?

12 A. No.

13 Q. And was it eventually dismissed?

14 A. I don't remember.

15 Q. Now can you tell me about the second time you
16 were arrested? What were the underlying circumstances of
17 that arrest?

18 A. I was detained for public urination.

19 Q. Do you recall when that was?

20 A. 2014.

21 Q. And where did that occur?

22 A. In Queens.

23 Q. And what were the circumstances of that arrest?
24 What happened?

25 A. I was apprehended, tackled from the back, due to

H. RODRIGUEZ

1 his belief of me public urinating, which I wasn't; then I
2 was just ID'd and he searched me and he found a Marines
3 pocket knife and it was eventually the reason why he put
4 handcuffs on me, put me in the van, and he threw me with
5 handcuffs onto basically the floor of the van, which hurt
6 my right hand, my right wrist, I would say, and eventually
7 I was given an ACD for that.

8 Q. For the urination or the knife or both?

9 A. I think it was just for the pocket knife.

10 Q. Now you used the word "he" a couple of times
11 there. You're referring to the police officer?

12 A. Correct.

13 Q. Do you know who that police officer was?

14 A. I don't remember his name.

15 Q. So you were placed into a police van?

16 A. Yes.

17 Q. Did you go to a precinct?

18 A. Yes.

19 Q. And how long were you at the precinct for?

20 A. Approximately a few hours.

21 Q. Were you in a cell during that time?

22 A. Yes.

23 Q. And were you ever taken to central booking?

24 A. Yes.

25 Q. And how long were you at central booking for?

H. RODRIGUEZ

1 A. Approximately a few hours as well.

2 Q. And were you eventually arraigned?

3 A. Yes.

4 Q. And what happened at arraignment?

5 A. I was scheduled to come back.

6 Q. Were you released on your own recognizance at the
7 time?

8 A. Yes.

9 Q. And did you end up coming back to the court?

10 A. Yes.

11 Q. How many times did you have to come back to
12 court?

13 A. I don't remember.

14 Q. Do you think it was more than five?

15 A. No.

16 Q. And you said you eventually took an ACD?

17 A. Yes.

18 Q. Do you know when you took the ACD?

19 A. I don't remember.

20 Q. Do you think it was before or after August 13,
21 2015?

22 A. No, before.

23 Q. Now you said you had to go to court a couple of
24 times. Did you ever have to speak to the judge?

25 A. I don't remember.

H. RODRIGUEZ

1 Q. And then you indicated that you were arrested a
2 third time; is that correct?

3 A. Yes.

4 Q. And was that on August 13, 2015?

5 A. Yes.

6 Q. Have you ever been in correctional custody
7 before?

8 A. No.

9 Q. Have you ever been on probation before?

10 A. No.

11 Q. Have you ever been on parole before?

12 A. No.

13 Q. Mr. Rodriguez, do you have any history of drug
14 abuse?

15 A. No.

16 Q. Have you ever been treated for drug abuse?

17 A. No.

18 Q. Have you ever used any illegal drugs?

19 A. No.

20 Q. Do you drink alcohol?

21 A. Social occasions.

22 Q. Do you have any history of alcohol abuse?

23 A. No.

24 Q. And when you say "social occasions," what do you
25 mean?

H. RODRIGUEZ

1 A. Birthday parties, New Years.

2 Q. How often would you say that you drink?

3 A. Rarely.

4 Q. More than once a month?

5 A. No.

6 Q. And typically when you drink, how much do you

7 drink?

8 A. Very light.

9 Q. What do you mean by "very light"?

10 A. Not a lot; not my cup of tea.

11 Q. Have you ever been treated for any alcohol

12 issues?

13 A. No.

14 Q. Do you have any chronic health problems?

15 A. No.

16 Q. Have you ever been diagnosed with any medical

17 issues or problems?

18 A. No.

19 Q. You testified earlier that you met recently with

20 Dr. Golzad?

21 A. Yes.

22 Q. Did he diagnose you with any sort of problem?

23 A. Unbalanced eyes.

24 Q. Anything else?

25 A. I can't remember at the moment.

H. RODRIGUEZ

1 Q. Did he give any indication when you started
2 receiving or suffering from unbalanced eyes?

3 A. Can you repeat that question?

4 Q. Did the doctor give an indication of how long you
5 had unbalanced eyes for?

6 A. I don't remember.

7 Q. And I know you testified to this earlier but just
8 for clarity's sake, what are the symptoms associated with
9 that that you suffer from?

10 A. Blurry vision, dizziness, headaches.

11 Q. And when did you first start suffering those
12 symptoms?

13 A. I would say approximately two years ago.

14 Q. And prior to seeing Dr. Golzad, did you ever seek
15 any medical attention for those symptoms?

16 A. Yes.

17 Q. And where did you seek medical attention for
18 those symptoms?

19 A. PR Medical.

20 Q. And do you recall where that is?

21 A. Queens.

22 Q. And do you know who you saw at PR Medical?

23 A. Dr. Qureshi.

24 Q. And did Dr. Qureshi diagnose you with unbalanced
25 eyes at that time?

H. RODRIGUEZ

1 A. No.

2 Q. Did Dr. Qureshi give you diagnosis concerning the
3 symptoms you just discussed?

4 A. I don't remember.

5 Q. Did Dr. Qureshi prescribe you any medication at
6 that time?

7 A. Yes.

8 Q. And what, if anything, did he prescribe you?

9 A. Methocarbamol.

10 Q. And what is methocarbamol for to the best of your
11 understanding?

12 A. Pain relief, pain medication.

13 Q. And so that pain medication addressed the
14 symptoms you just discussed at all?

15 A. No.

16 Q. And when did you first see Dr. Qureshi?

17 A. 2015.

18 Q. Do you know approximately when?

19 A. Approximately a week or two after August 13.

20 Q. And how did you find Dr. Qureshi?

21 A. Through a friend of my uncle.

22 Q. And what is your uncle's name?

23 A. George.

24 Q. Is that Rodriguez or something else?

25 A. No.

H. RODRIGUEZ

1 Q. What's his last name?

2 A. Isla (phonetic).

3 Q. So you indicated that you saw Dr. Qureshi
4 sometime around August of 2015 and you raised these
5 symptoms with him at that time; is that correct?

6 A. I don't remember.

7 Q. So you're not sure if you raised these symptoms?

8 A. Correct.

9 Q. So is it fair to say that the first time you
10 recall raising the symptoms was when you saw Dr. Golzad in
11 May of this year?

12 A. No.

13 MR. BROMFELD: Note my objection. That's
14 not what he said.

15 Q. When was the first time that you remember raising
16 these symptoms with the doctor?

17 A. I don't remember but 2015.

18 Q. And do you remember what doctor that was?

19 A. I don't.

20 Q. Was that someone at PR Medical or was that
21 somewhere elsewhere?

22 A. Correct, PR Medical.

23 Q. And in 2015, do you recall receiving any
24 diagnosis with respect to those symptoms?

25 A. No.

H. RODRIGUEZ

1 Q. And aside from raising those symptoms in 2015 and
2 then in May of this year, did you ever otherwise raise
3 those symptoms with anybody?

4 A. No.

5 Q. You indicated that you started taking
6 methocarbamol; is that correct?

7 A. Did I start?

8 Q. That you were taking methocarbamol?

9 A. Yes.

10 Q. And you started taking that in August of 2015 or
11 around then; is that correct?

12 A. Around 2015, yes.

13 Q. And how long were you taking that for?

14 A. Approximately six months.

15 Q. And that was for pain relief?

16 A. Yes, for muscle spasms.

17 Q. And why did you cease taking that medication?

18 A. I ran out.

19 Q. Did you ever go back to receive a refill of that
20 medication?

21 A. I didn't have medical coverage.

22 MR. BROMFELD: The answer is yes or no.

23 Q. And do you know what your prescription was at
24 that time?

25 A. I don't remember.

H. RODRIGUEZ

1 Q. Do you recall how often you took methocarbamol?

2 A. Every day.

3 Q. Once a day or more than once a day?

4 A. Approximately varied, meaning more than once.

5 Q. What did it vary based on?

6 A. The pain.

7 Q. And did you suffer any sort of symptoms as a
8 result of taking the medication?

9 A. Yes.

10 Q. Or side effects. And what were those?

11 A. Drowsiness.

12 Q. Anything else?

13 A. I don't remember if there was any other.

14 Q. You also indicated that your wrist was hurt in
15 2014; is that correct?

16 A. Yes.

17 Q. Did you seek any medical attention with respect
18 to your wrist?

19 A. Yes.

20 Q. That was your right wrist, correct?

21 A. Correct.

22 Q. What sort of medical attention did you seek at
23 that time?

24 A. Hospital.

25 Q. Do you recall which hospital you went to?

H. RODRIGUEZ

1 A. Bellevue.

2 Q. And what if any diagnosis did you receive at
3 Bellevue Hospital?

4 A. Scar tissue, tissue damage, soft tissue damage.

5 Q. Did they provide you with any sort of treatment?

6 A. Pain medication I believe.

7 Q. Just the pain medication?

8 A. I don't recall if they put something on my hand.

9 Q. Okay. Do you recall what sort of pain medication
10 they gave you?

11 A. I don't.

12 Q. Do you recall how long you were on pain
13 medication for?

14 A. I don't remember anything.

15 Q. And aside from pain medication, do you know if
16 you were given any sort of treatment?

17 A. No.

18 Q. Did you ever seek any sort of physical therapy or
19 anything associated with your wrist?

20 A. No.

21 Q. What symptoms were you experiencing with respect
22 to your wrist?

23 A. It was pain. I didn't have strength in it,
24 couldn't hold things.

25 Q. When you say it was pain, could you describe

H. RODRIGUEZ

1 that? Was it a shooting pain, a throbbing pain, something
2 else?

3 A. I don't know how to describe it from then.

4 Q. Okay. And on a scale of 1 to 10, 10 being the
5 most pain you've ever suffered in your life and 1 being
6 maybe a minor scratch or something, how would you rate the
7 amount of pain that you were experiencing?

8 A. Then?

9 Q. Yes.

10 A. I can say, you know, when it was at rest and not
11 using it, maybe a 3 or 4 and then when I tried, it was like
12 a 7, 8.

13 Q. And sitting here today does your wrist still hurt
14 you?

15 A. Yes.

16 Q. And again can you describe what sort of pain you
17 currently exhibit?

18 A. It's more of a numbness, tingling feeling, and
19 weakening.

20 Q. And how do you describe the intensity of that
21 pain or that feeling?

22 A. What do you mean?

23 Q. So earlier you gave specific numbers on a scale.
24 Just using the same scale sitting here today, could you
25 just describe how it feels?

H. RODRIGUEZ

1 A. I would say when at rest. It's not, you know,
2 hurting as much but as soon as I try to grip something, I
3 realize that I don't have the strength.

4 Q. In your day-to-day life, how does that affect
5 you?

6 A. I can't give massages, I can't massage myself.
7 It's hard to even grip a handle bar, to cook, and to grab
8 utensils, it's a lot more difficult. Sometimes I feel like
9 it's just too weak.

10 Q. Does it ever get in the way of your work?

11 A. Yes.

12 Q. Arising out of your 2014 arrest, do you have any
13 other injuries?

14 A. No.

15 Q. You also indicated earlier that you broke your
16 ankle at some point in time; is that correct?

17 A. Yes.

18 Q. Does your ankle still hurt?

19 A. It varies on the weather.

20 Q. And how so?

21 A. When it rains.

22 Q. Does that inhibit you in any way?

23 A. What do you mean?

24 Q. Does that stop you from doing anything?

25 A. Walking straight.

H. RODRIGUEZ

1 Q. Anything else?

2 A. Like fast pace is what I mean.

3 Q. Does it hurt when you ride a bicycle?

4 A. It does.

5 Q. So we discussed your wrist and your ankle. Have
6 you received any medical treatment that we have not
7 discussed?

8 MR. BROMFELD: You're talking about before
9 this incident; correct?

10 Q. Before August 13, 2015.

11 A. No.

12 Q. Have you received any medical treatment since
13 August 13, 2015 that does not relate to this incident?

14 A. Can you repeat that question?

15 Q. Sure. Is it your testimony that you've received
16 treatment out of the injuries that you suffered on
17 August 13, 2015?

18 A. Yes.

19 Q. Since August 13, 2015, have you received medical
20 treatment for anything that did not arise out of that
21 incident?

22 A. No.

23 Q. On August 13, 2015, were you prescribed any
24 drugs?

25 A. Yes.

H. RODRIGUEZ

1 Q. What were you prescribed?

2 A. I don't remember.

3 Q. Why were you prescribed drugs?

4 A. For pain.

5 Q. And what was that pain arising from?

6 A. The accident on August 13th.

7 Q. In August of 2015, prior to this incident, were
8 you regularly taking any medication?

9 A. No.

10 Q. Do you wear glasses?

11 A. Contacts.

12 Q. How long have you been wearing contact lenses?

13 A. I don't remember.

14 Q. Were you prescribed contact lenses in August of
15 2015?

16 A. No.

17 Q. So is it correct to say that you started wearing
18 the contact lenses after the incident in question?

19 A. No.

20 Q. Do you know when you started wearing contact
21 lenses?

22 A. Prior.

23 Q. Okay. Do you know what your prescription is?

24 A. No.

25 Q. Are you nearsighted or farsighted?

H. RODRIGUEZ

1 A. Far.

2 Q. Were you wearing contact lenses in August 13,
3 2015?

4 A. Yes.

5 Q. Do you have history of anxiety or depression or
6 any other mental health issues?

7 A. No.

8 Q. Have you ever been diagnosed with depression,
9 anxiety or any other medical condition?

10 A. No.

11 Q. Have you ever felt suicidal?

12 A. I don't know.

13 Q. Aside from the incidents that we just discussed,
14 have you ever otherwise been hospitalized prior to
15 August 13, 2015?

16 A. Yes.

17 Q. How many other times were you hospitalized?

18 A. I don't recall how many times.

19 Q. Do you think more than five?

20 A. No.

21 Q. And do you recall why you were hospitalized?

22 A. Flu or cold.

23 Q. Anything else?

24 A. Not that I remember.

25 MR. BERGMAN: Let's take a five-minute

H. RODRIGUEZ

1 break.

2 (Whereupon, a short recess was taken.)

3 Q. Mr. Rodriguez, I would like to turn your
4 attention to August 13, 2015. To the best of your ability,
5 can you describe your day from the moment you woke up on
6 the morning of August 13, 2015?

7 A. Yes.

8 Q. Do you know what day of the week that was?

9 A. I don't remember.

10 Q. Was it a weekend or during the workweek?

11 A. I really don't remember.

12 Q. Do you recall what time you woke that day?

13 A. Morning.

14 Q. And do you know what you did after you woke up?

15 A. Wash my teeth and change.

16 Q. And do you know where you woke up that day?

17 A. My house.

18 Q. And was anyone home when you woke up?

19 A. My mother.

20 Q. And do you recall how you were feeling that day?

21 A. Happy, energetic.

22 Q. Any reason in particular or just generally?

23 A. I mean it was summer.

24 Q. And did you have any plans that day?

25 A. Yes.

H. RODRIGUEZ

1 Q. And what were your plans that day?

2 A. Meet my mother.

3 Q. Where were you suppose to meet your mother?

4 A. Nail salon.

5 Q. Why were you meeting her at a nail salon?

6 A. To go out to the city afterwards.

7 Q. What were you going to do in the city?

8 A. Have lunch.

9 Q. To have lunch?

10 A. Yeah, to eat. I consider that lunch or dinner.

11 Q. What time were you suppose to meet your mother?

12 A. Roughly approximately 5:00.

13 Q. And once you met your mother, you guys were going
14 to the city together?

15 A. We was going to the city together.

16 Q. And how were you planing on getting to the city?

17 A. Train.

18 Q. Do you recall where you were going to go eat?

19 A. I don't.

20 Q. Do you know what time your mother left the house
21 that day?

22 A. Afternoon.

23 Q. Do you know where she went?

24 A. I don't.

25 Q. Was she working at that time?

H. RODRIGUEZ

1 A. No.

2 Q. And when was the first time you left the house
3 that day?

4 A. In the afternoon.

5 Q. And was it to go meet up with your mother?

6 A. Correct.

7 Q. Aside from getting dressed and brushing your
8 teeth, do you recall anything else you did that day prior
9 to leaving the house to meet your mother?

10 A. Watch TV, eat and relax at home.

11 Q. Was there any reason that day that you were going
12 into the city to meet with your mom?

13 A. We usually do that.

14 Q. When you say usually, what do you mean?

15 A. We go out to eat, me and her.

16 Q. And you said your mother was not working at that
17 time; is that correct?

18 A. No.

19 Q. Do you recall how much your rent was in August of
20 2015?

21 MR. BROMFELD: His or for the house? He's
22 already testified he paid 300.

23 MR. BERGMAN: For the household.

24 A. I don't remember.

25 Q. Do you remember speaking to anybody prior to

H. RODRIGUEZ

1 leaving the house that day?

2 A. No.

3 Q. And did you have any plans for after you had
4 dinner with your mother?

5 A. No.

6 Q. Now you testified earlier that you were going to
7 meet your mother at a nail salon, correct?

8 A. Yes.

9 Q. Do you recall the name of that nail salon?

10 A. I don't.

11 Q. Was it the Bright Nail Salon?

12 A. I don't know.

13 Q. Do you know where the nail salon was located?

14 A. Did I know when?

15 Q. Do you know where the nail salon was located?

16 A. Now?

17 Q. Yes.

18 A. Yes.

19 Q. Where is it?

20 A. Corona.

21 Q. Do you know what street it was?

22 A. 43rd Avenue.

23 (Whereupon, Photograph was marked as
24 Plaintiff's Exhibit A for identification as of
25 this date by the Reporter.)

H. RODRIGUEZ

1 Q. I would like to show you what has been marked as
2 Defendant's Exhibit A. Do you know what this is photo of?

3 A. Yes.

4 Q. And what is it a photo of?

5 A. Of businesses.

6 Q. Okay. I would like to draw your attention to the
7 bottom left of the document. Do you see where it says
8 "Street View August 2015"?

9 A. Yes.

10 Q. Do you recognize where these businesses are
11 located?

12 A. Yes.

13 Q. And where are they?

14 A. In Corona.

15 Q. Are these on 43rd Avenue?

16 A. Yes.

17 Q. If you look in the middle left of the page, you
18 see something that says Bright Nails Unisex?

19 A. Yes.

20 Q. To the best of your knowledge, is that where your
21 mother wanted you to meet her that day?

22 A. Yes.

23 Q. Now if you look to the right-hand side of that
24 picture, there seems to be a street; is that correct?

25 A. Yes.

H. RODRIGUEZ

1 Q. Do you know what street that is?

2 A. 104th Street.

3 Q. Okay. Do you know approximately what time you
4 left the house that day?

5 A. Approximately after 4:00.

6 Q. And what were you wearing at that time to the
7 best of your recollection?

8 A. Summer clothes, shorts, T-shirt, hat.

9 Q. And did you have anything with you?

10 A. My bicycle.

11 Q. And aside from your bicycle, did you have
12 anything else with you?

13 A. My bookbag.

14 Q. And why did you have the bookbag with you?

15 A. That's where my belongings go in.

16 Q. What belongings did you have with you?

17 A. Wallet, phone, maybe extra clothes. I'm not
18 sure.

19 Q. Did you have anything else in your bookbag?

20 A. That's all I remember.

21 Q. And did you pack your bookbag that day?

22 A. It was already packed.

23 Q. So you already had your wallet and your phone in
24 there?

25 A. My phone was what I just put in that day.

H. RODRIGUEZ

1 Q. So you went into your backpack prior to leaving
2 the house?

3 A. On the side pocket.

4 Q. And how far was the nail salon from your house?

5 A. Approximately five minutes or less.

6 Q. Five minutes or less walking, biking?

7 A. Bicycling.

8 Q. How far of a walk was it?

9 A. It's a ten-minute walk.

10 Q. Do you know how your mother got to the nail
11 salon?

12 A. No.

13 Q. And you testified earlier that you were intending
14 to go into the city, correct?

15 A. Yes.

16 Q. What were you attending to do with your bicycle?

17 A. What do you mean?

18 Q. So you took your bike to go meet your mother; is
19 that correct?

20 A. Yes.

21 Q. Was it your intention to bring the bicycle with
22 you onto the subway as you were going to the city? Were
23 you planing on biking into the city, leaving your bike
24 nearby?

25 A. Leaving it.

H. RODRIGUEZ

- 1 Q. Did you have a bike lock with you at the time?
- 2 A. Yes.
- 3 Q. And where was that?
- 4 A. I don't remember if -- on the bicycle.
- 5 Q. And do you recall when you originally got your
- 6 bike?
- 7 A. I don't.
- 8 Q. Had you had it for a long time?
- 9 A. Approximately a year or two.
- 10 Q. When you got your bike was it used or new?
- 11 A. It was new.
- 12 Q. Do you recall approximately how much you paid for
- 13 it?
- 14 A. Approximately 300, \$400.
- 15 Q. And where did you normally store your bike?
- 16 A. My house.
- 17 Q. Inside or outside?
- 18 A. Inside.
- 19 Q. How often did you use your bicycle at that time?
- 20 A. I don't remember.
- 21 Q. Would you say more than five times a week in the
- 22 summer?
- 23 A. More than five times a week?
- 24 Q. During the summer.
- 25 A. No, maybe less.

H. RODRIGUEZ

1 Q. So do you recall why you took your bicycle with
2 you that day?

3 A. It's my custom.

4 Q. What do you mean by that?

5 A. Like work out, like get in shape.

6 Q. When you left your house that day, what route did
7 you intend to take to get to the nail salon?

8 A. 108 Street and then I made a left on 44th Avenue.

9 Q. What was the first name of the street that you
10 said?

11 A. 108.

12 Q. So is it your testimony that you went up 108th
13 Street and then made a left on 44th Avenue?

14 A. Yes.

15 Q. When you left the house that day, were you
16 wearing a helmet?

17 A. No.

18 Q. And you weren't wearing a helmet at any point in
19 time while you were riding your bike that day; correct?

20 A. No.

21 Q. And while you were riding your bike, did you have
22 headphones in?

23 A. Yes.

24 Q. And were those wireless headphones?

25 A. No.

H. RODRIGUEZ

1 Q. What device were you listening to music on?

2 A. iPhone.

3 Q. And where was your iPhone?

4 A. The side of my bookbag.

5 Q. So the headphone jack was coming out of your
6 bookbag and then on to your hood?

7 A. Where you put the water bottle on your bookbag,
8 it's an open pocket outside.

9 Q. And where on the bike was there a place for your
10 water bottle?

11 MR. BROMFELD: He's talking about his
12 backpack.

13 MR. BERGMAN: Sorry, I misunderstood that.

14 Q. So just please just walk me through this. When
15 you left your house on your bicycle, did you go to the
16 left, your right, straight? What did you do?

17 A. I made a left.

18 Q. And what did you make a left onto?

19 A. 49th Avenue.

20 Q. And how long were you on 49th Avenue for?

21 A. Approximately a minute or two.

22 Q. And then where did you go to from 49th Avenue?

23 A. 108 Street.

24 Q. And how did you get onto 108th Street?

25 A. Made a right.

H. RODRIGUEZ

1 Q. And how long were you on 108th Street for?

2 A. Also a minute or two.

3 Q. And then how did you come to leave 108th Street?

4 A. On 44th Avenue, made a left.

5 Q. And where did you go from 44th Avenue?

6 A. A made a right onto 104 Street.

7 Q. Okay. And then how long were you on 104th Street
8 for?

9 A. I'd say a minute or less.

10 Q. And where did you go from 104th Street?

11 A. I made a left on 43rd Avenue.

12 Q. Was that the most direct way to get to the nail
13 salon?

14 A. I didn't know where it was.

15 Q. Did your mother give you the address of the
16 location before you left?

17 A. No.

18 Q. So how were you intending on finding that
19 location?

20 A. Through the avenue.

21 Q. Can you describe what you mean by that?

22 A. Just I had to find a nail salon on 43rd Avenue.

23 Q. So your mother told you it was on 43rd Avenue?

24 A. Yes.

25 Q. Did she give you cross streets?

H. RODRIGUEZ

1 A. No.

2 Q. Now at any point in time were you riding your
3 bicycle on the sidewalk?

4 A. No.

5 Q. At any point in time were you riding your bicycle
6 against traffic?

7 A. I don't know if that's riding; just got on it, on
8 the intersection, so --

9 Q. Can you describe what you mean?

10 A. I got on the bicycle where it's a one-way so I
11 don't know if that's considered riding or not.

12 Q. And what street was that on?

13 A. That's on 104th Street.

14 Q. You got on the bicycle there?

15 A. Right there's a traffic light.

16 Q. Were you not riding the bicycle prior to that or
17 did you get on the bicycle prior to that?

18 A. I got off because there was cars. I got off.

19 Q. When did you get off the bicycle on 104th Street?

20 A. When I got to 44 and 104th Street.

21 Q. And why did you get off the bicycle there?

22 A. To walk over.

23 Q. To walk over where?

24 A. To 43rd and 104.

25 Q. And why did you get off the bicycle at that point

H. RODRIGUEZ

1 in time?

2 A. Because there was cars.

3 Q. Could you describe --

4 A. I couldn't ride. There's no space for me to ride
5 the one-way because there's cars coming, but I did get on
6 my bicycle on the corner and then made the left on 43rd
7 Avenue.

8 Q. Okay. So at some point in time you're on your
9 bicycle going the wrong way on 104th Street; is that
10 correct?

11 A. Yes.

12 Q. And then you made a left onto 43rd Avenue?

13 A. Yes.

14 Q. Now when you're on 104th Street you indicated
15 that you saw cars?

16 A. Yes.

17 Q. Can you just describe the streets a little more
18 than that?

19 A. It was full of construction really so it's very
20 narrow; no space to ride my bicycle with the cars coming.

21 Q. And they were coming at you; is that correct?

22 A. I mean, yes.

23 Q. How far do you think you walked with your bicycle
24 on 104th Street?

25 A. Approximately 25 steps.

H. RODRIGUEZ

1 Q. And how far do you think you rode your bicycle on
2 104th Street?

3 A. Just the intersection.

4 Q. Is it your testimony that you got onto the
5 bicycle on 104th Street, at the intersection, and then made
6 a left immediately?

7 A. Right.

8 Q. At that point in time, did you see any cars pull
9 over?

10 A. No.

11 Q. At that point in time, did you see any other
12 cyclists?

13 A. Yes.

14 Q. Where did you see other cyclists?

15 A. In front of me.

16 Q. On 104th Street or on 43rd?

17 A. 104, yes.

18 Q. And what direction were they travelling in?

19 A. 104th Street.

20 Q. 104th Street is a one-way street; is that
21 correct?

22 A. Yes.

23 Q. Were they going the right way on 104th Street?

24 A. The wrong way.

25 Q. How many cyclists did you see going the wrong way

H. RODRIGUEZ

1 on 104th Street?

2 A. One.

3 Q. Did you see where, if anywhere, he went?

4 A. No, just straight.

5 Q. Did you see any police officers on 104th Street?

6 A. No.

7 Q. Did you see any police officers on 43rd Avenue?

8 A. No.

9 Q. Do you recall seeing a black sedan or a vehicle
10 on 104th Street pulled over?

11 A. No.

12 Q. Do you recall hearing anyone speak to you?

13 A. No.

14 Q. Do you recall seeing anyone having any
15 conversations at all while you were on 104th Street?

16 A. No.

17 Q. When you were walking with your bike, were you
18 walking in the street or on the sidewalk?

19 A. I don't remember.

20 Q. When you got on your bike, were you in the street
21 or on the sidewalk?

22 A. Can you repeat the question?

23 Q. Sure. When you got on your bicycle, were you in
24 the street or were you on the sidewalk?

25 A. The crossing path.

H. RODRIGUEZ

1 Q. Were you in the walkway?

2 A. Right.

3 Q. Did you hear any emergency sirens while you were
4 on 104th Street?

5 A. No.

6 Q. Did you see any flashing lights while you were on
7 104th Street?

8 A. No.

9 Q. What else, if anything, did you observe while you
10 were on 104th Street?

11 A. Construction.

12 Q. Now when you turned onto 104th Street, did you
13 notice any vehicles behind you?

14 A. Can you repeat the question?

15 Q. When you turned onto 43rd Avenue, did you notice
16 any vehicles behind you?

17 A. No.

18 Q. Can you describe 104th Street?

19 A. 104th Street?

20 Q. Yes.

21 A. It's a narrow one-way street.

22 Q. Do you recall if there were cars parked on the
23 left of the street?

24 A. I don't remember.

25 Q. Do you remember if there were cars parked to the

H. RODRIGUEZ

1 right of the street?

2 A. Might have been. I don't remember.

3 Q. Typically speaking, did cars park on both sides
4 of the street?

5 A. Yes.

6 Q. And can you describe 43rd Avenue where it meets
7 104th Street?

8 A. It's a two-way street uphill or downhill,
9 whichever way you consider it, parking on both sides; very
10 ample space, very open.

11 Q. And is there one driving lane going both
12 directions?

13 A. Correct.

14 Q. And is there a bike lane?

15 A. No.

16 Q. And is there a single yellow line or a double
17 yellow line or something else separating the two driving
18 lanes?

19 A. I would say it's a yellow line but I don't know
20 if it's double or single.

21 Q. Do you recall there being a lot of cars parked at
22 the time when you made the left?

23 A. Regular parking.

24 Q. Now when you got onto your bike, did you start
25 riding down 43rd Avenue?

H. RODRIGUEZ

1 A. I started riding out, yes.

2 Q. And were you riding toward 108th Street?

3 A. No.

4 Q. What were you riding toward?

5 A. 102nd Street.

6 Q. And how large is the block between 104th Street
7 and 102nd Street?

8 A. It's one block.

9 Q. And while you were riding your bike on that
10 block, do you recall where you were riding it?

11 A. Where?

12 Q. Yes.

13 A. Where I was riding?

14 Q. Yes.

15 A. On the right side.

16 Q. And you were in the traffic lane?

17 A. Yes.

18 Q. And where on the traffic lane were you riding;
19 the middle, left, right?

20 A. On the right side.

21 Q. And how far to the right side were you?

22 A. I don't remember.

23 Q. Were you close to the cars that were parked to
24 your right?

25 A. I would say a normal approximate distance with

H. RODRIGUEZ

1 what a bike lane would be.

2 Q. Can you approximate how wide that would be or how
3 far that would be from the parked cars?

4 A. Two or three feet, approximately, four feet.

5 Q. And how much space was there, to the best of your
6 recollection, between you and the dividing line to your
7 left?

8 MR. BROMFELD: You're talking about that
9 yellow line, either double or single?

10 MR. BERGMAN: Right.

11 A. Towards me, I would say approximately more than
12 six feet.

13 Q. And why were you riding your bike so far to the
14 right?

15 A. That's where the bikes ride I think.

16 Q. While you were riding on 43rd Avenue, did any
17 cars pass you on your left?

18 MR. BROMFELD: At what point in time?

19 MR. BERGMAN: Just generally while he was on
20 43rd Avenue on August 13, 2015.

21 MR. BROMFELD: Before the accident?

22 Q. Do you understand the question?

23 A. I really don't -- you said cars passing me?

24 Q. Yes, did any cars drive past you on your left?

25 A. I don't remember.

H. RODRIGUEZ

1 Q. Do you recall whether any cars were behind you at
2 any point in time while you were on 43rd Avenue?

3 A. I don't know.

4 Q. And at this time you were listening to music; is
5 that correct?

6 A. Yes.

7 Q. Do you recall what you were listening to?

8 A. I don't.

9 Q. Were you able to hear what was going on around
10 you?

11 A. I don't remember.

12 Q. At any point in time while you were driving your
13 bike on 43rd Avenue, do you recall seeing any flashing
14 lights?

15 A. No.

16 Q. And while you were driving your bike on 43rd
17 Avenue, do you recall hearing any sirens going off?

18 A. No.

19 Q. Do you remember, while you were driving your bike
20 on 43rd Avenue, whether cars were coming towards you in the
21 other direction?

22 A. I don't remember.

23 Q. Now did there come a time while you were on 43rd
24 Avenue that you stopped riding your bike?

25 A. No.

H. RODRIGUEZ

1 Q. Did anything happen that caused you to cease
2 riding your bike?

3 A. Yes.

4 Q. And what was that?

5 A. I got struck by a vehicle.

6 Q. And what did that vehicle look like?

7 A. It was a black sedan.

8 Q. Do you remember how many doors it had?

9 A. Four.

10 Q. Do you remember the make of the vehicle?

11 A. A Ford.

12 Q. Do you know how fast that vehicle was going when
13 it struck you?

14 A. Faster than the limit.

15 Q. Do you know what the speed limit was at that
16 time?

17 A. No.

18 Q. And when did you first become aware of that car?

19 A. Once I got struck and went flying and tumbled
20 down into the street.

21 Q. So you weren't aware of that car's existence
22 until it hit you?

23 A. Correct.

24 Q. You testified that the car hit you. Did it hit
25 you, or the bike, or both or something else?

H. RODRIGUEZ

1 A. It hit me.

2 Q. Where did it make contact with you?

3 A. On my left side of my body.

4 Q. And do you recall specifically what portion of
5 your body was hit first?

6 A. I can say my rear lower to mid left side.

7 Q. And what portion of the car made contact with you
8 there?

9 A. I would say it's right side.

10 Q. When you say "it's right side," what do you mean?

11 A. The right side, the passenger side.

12 Q. Was it the portion by one of the passenger doors
13 that made contact with you?

14 A. Yes.

15 Q. So when it made contact with you, was the car
16 partially ahead of you?

17 A. No, it came from behind; it struck me from the
18 back.

19 Q. But it was not the front of the car that made
20 contact with you, correct?

21 A. No.

22 Q. Immediately prior to hitting the car, did you
23 observe the car at all?

24 A. No.

25 Q. You didn't see it in your peripheral vision or

H. RODRIGUEZ

1 anything along those lines?

2 A. No.

3 Q. And you didn't hear it?

4 A. No.

5 Q. But it was speeding, right?

6 A. It felt like it, yes.

7 Q. Were there any vehicles parked to your right when
8 the car made contact with you on your left?

9 A. Yes.

10 Q. And how far were you from the car on your right
11 immediately prior to getting hit?

12 A. Approximately a few feet.

13 Q. Do you think it was more than two feet?

14 A. I don't know.

15 Q. As far as you can tell, did any part of the black
16 sedan make contact with the bike?

17 A. I can say yes.

18 Q. Do you know what part of the bike it hit?

19 A. I don't remember. It was fast.

20 Q. And what immediately happened when you made
21 contact with the car?

22 A. I went flying onto a parked car's hood and I
23 tumbled and twisted my body and landed face forward hitting
24 the street.

25 Q. So let's take that one portion at a time. You

H. RODRIGUEZ

1 said that you went flying forward; is that correct?

2 A. Yes.

3 Q. Were you still on the bike at that time when you
4 started going flying?

5 A. Can you repeat the question?

6 Q. You just indicated that you made contact with
7 this sedan and then you went flying?

8 A. Yes, with the bike.

9 Q. So you were still on the bike; is that correct?

10 A. Trying to semi-hold on to the bike.

11 Q. So were your hands still on the bike?

12 A. No.

13 Q. Were you still seated on the bike?

14 A. No.

15 Q. So when you say that you were trying to
16 semi-maintain control, how were you doing that?

17 A. My body is in the air, I guess picking up,
18 drifting, with the bicycle's kinetic energy.

19 Q. Now were you propelled forward, to the right?
20 When you said you went flying, where did you go flying?

21 A. I would say at a diagonal.

22 Q. And diagonal to the right?

23 A. To the right.

24 Q. Now you indicated that once that happened, you
25 hit a parked vehicle; is that correct?

H. RODRIGUEZ

1 A. Yes.

2 Q. Do you remember what that parked vehicle looked
3 like?

4 A. An SUV.

5 Q. Do you know what color it was?

6 A. No.

7 Q. Did you see anyone standing around that vehicle?

8 A. No.

9 Q. Do you recall what part of that vehicle you made
10 contact with?

11 A. The front left hood fender.

12 Q. And what part of your body made contact with the
13 left hood or fender?

14 A. I would say my right side of my body.

15 Q. Do you know specifically which side or which
16 portion of your right side?

17 A. It happened fast. I don't remember.

18 Q. Did you feel anything on the right side of your
19 body at that point in time?

20 A. Yes.

21 Q. And where did you feel something?

22 A. Pain all over from my shoulder all the way down
23 to my leg.

24 Q. On your left side, your right side?

25 A. Right side.

H. RODRIGUEZ

1 Q. Were you still in contact with the bike at that
2 point in time?

3 A. Somewhat yes.

4 Q. How so?

5 A. It happened fast; the bike was under me.

6 Q. You mentioned earlier that you watched the video
7 of the incident prior to coming today; is that correct?

8 A. Yes.

9 Q. How many times do you think you've watched it?

10 A. I don't remember.

11 Q. More than ten?

12 A. No.

13 Q. More than five?

14 A. Yes.

15 Q. Now what happened once you made contact with the
16 front left hood or fender?

17 A. I twisted my body and fell face forward hitting
18 my head onto the bike, falling on my left side, trying to
19 hold my hand or put my hand to hold myself, my hands; just
20 face forward, just fell on the street on top of my bike.

21 Q. So there's a lot there so I'll try to break that
22 down. So you indicated that you were twisting; is that
23 correct?

24 A. Yes.

25 Q. Were you twisting voluntarily or involuntarily?

H. RODRIGUEZ

1 A. Involuntarily.

2 Q. And how did you twist if you recall?

3 A. The bike was turning and kind of, I guess,
4 turning with it. I had no control.

5 Q. And you indicated that you hit your head; is that
6 correct?

7 A. Yes.

8 Q. Did you hit your head on the bike, on the floor;
9 where did you hit your head?

10 A. It could've been the floor; the bike for sure.

11 Q. So was that while you were in the air?

12 A. As I'm landing.

13 Q. Now it's your testimony that you landed on the
14 sidewalk; is that correct?

15 A. No.

16 Q. Where did you land?

17 A. On the street.

18 Q. And what part of your body made contact with the
19 street first?

20 A. I would say my hands and elbow and knee.

21 Q. Both of your hands?

22 A. Yes.

23 Q. And one elbow or both elbows?

24 A. My right elbow for sure. I don't remember if my
25 left hit the floor and the bike.

H. RODRIGUEZ

1 Q. And you also indicated your knee; is that one
2 knee or both knees?

3 A. Both knees hit the street.

4 Q. Were you able to brace yourself at all using your
5 hands and knees?

6 A. No.

7 Q. Now what immediately happened after you hit the
8 street?

9 A. I got up in a daze. I was shook, you know, it
10 was moment of just being in shock and dazed that I didn't
11 know what was going on.

12 Q. Did you have any trouble getting up?

13 A. I don't remember.

14 Q. And what happened once you got up?

15 A. I just saw getting approached by two men.

16 Q. When you got up, were you in any pain?

17 A. Yes.

18 Q. Where were you experiencing pain?

19 A. My right side, whole body, and my back; it was
20 there and my hands, my elbow I was bleeding from.

21 Q. Anywhere else?

22 A. My knees, I had pain in my knees as well.

23 Q. What sort of pain were you experiencing in your
24 back?

25 A. Stiffness, throbbing pain, more of a -- it's a

H. RODRIGUEZ

1 very weird feeling to explain after being struck.

2 Q. You used a scale earlier to clarify pain. Again
3 10 being the absolute worst pain you've ever been in and
4 one being something minor, run of the mill. How would you
5 classify the pain you were experiencing in your back at
6 that time?

7 A. 8 or 9.

8 Q. And what part of your back were you experiencing
9 that pain in?

10 A. I would say from my mid to lower back.

11 Q. Now you also indicated that you were experiencing
12 pain in your right side; is that correct?

13 A. Yes, my whole right side.

14 Q. And how would you classify that pain?

15 A. Same 8, 9.

16 Q. What sort of pain was that?

17 A. I couldn't really feel the side of my body and it
18 felt very weak.

19 Q. You also indicated that you were experiencing
20 pain in your left knee; is that correct?

21 A. Yes.

22 Q. And what did that pain feel like?

23 A. More of a being hurt after, like bruised.

24 Q. So you felt like your left knee was bruised?

25 A. I felt like I was hurt, yes.

H. RODRIGUEZ

1 Q. And were you in a lot of pain?

2 A. Yes.

3 Q. And how would you characterize the pain?

4 A. In which way? What do you mean?

5 Q. Was it throbbing, aching, shooting pain?

6 A. Aching pain.

7 Q. And what about your right knee?

8 A. About the same because it was my whole right
9 side; was feeling an 8 or 9 pain.

10 Q. And then you also indicated that you were
11 experiencing pain in your elbows; is that correct?

12 A. Yes.

13 Q. What sort of pain were you experiencing in your
14 left elbow?

15 A. Shooting pain.

16 Q. And you landed on your elbow; is that correct?

17 A. Yes.

18 Q. And just using that pain scale again, how would
19 you characterize that pain?

20 A. 7 or 8 approximately.

21 Q. We just discussed your knees, your right side,
22 and your back. Is there anywhere that you were
23 experiencing pain that we did not just discuss?

24 A. My head.

25 Q. What sort of pain were you experiencing in your

H. RODRIGUEZ

1 head?

2 A. Like if you had high blood pressure, like it's
3 really under pressure. I don't know how to --

4 Q. Had you ever experienced that sort of feeling
5 before?

6 A. Never.

7 Q. Have you experienced it ever since?

8 A. Yes.

9 Q. When did you experience it since then?

10 A. A short time after my accident.

11 Q. And what were the circumstances that led to that?

12 A. Feeling depressed and stressed out.

13 Q. Do you recall exactly when that was?

14 A. Not too long after; weeks after the accident.

15 Q. And how long did you have that feeling for?

16 A. Ever since.

17 Q. Sitting here today do you feel that way?

18 A. Yes.

19 Q. Now aside from feeling what you just described as
20 being similar to having high blood pressure, did you
21 experience any other pain in your head?

22 MR. BROMFELD: Immediately or at what time?

23 A. More of like a dizziness. I was dazed so I can't
24 explain exactly but my head was all over the place.

25 Q. Was there any other pain that you were

H. RODRIGUEZ

1 experiencing?

2 A. No.

3 Q. Were you bleeding from the head at all?

4 A. No.

5 Q. So you testified earlier that once you stood up,
6 you were approached by two men; is that correct?

7 A. Yes.

8 Q. And do you know who those individuals were?

9 A. No.

10 Q. And could you describe them physically?

11 A. One tall, one short, both Asian.

12 Q. They both were?

13 A. Yes.

14 Q. Do you recall what the taller individual was
15 wearing?

16 A. I think they were wearing a uniform.

17 Q. When you say a uniform, what do you mean?

18 A. A police uniform.

19 Q. And where were they approaching you from?

20 A. Forward, face forward.

21 Q. So they were walking towards you?

22 A. Yes.

23 Q. Do you know where they were coming from?

24 A. The car.

25 Q. Did you see them exit the car?

H. RODRIGUEZ

1 A. I'm sorry?

2 Q. Did you see them exit the car?

3 A. It happened fast. I don't remember if I got to
4 see it or not. I just saw them approach me.

5 Q. And what happened when they approached you?

6 A. They just handcuffed me.

7 Q. Did they both handcuff you or did one of the
8 officers handcuff you?

9 A. I don't remember. Both of them approached me. I
10 don't know who handcuffed me.

11 Q. Did either of them say anything to you at that
12 time?

13 A. Why didn't I stop?

14 Q. And what, if anything, did you say to them?

15 A. I don't remember. I just didn't know.

16 Q. Do you know which officer said that to you?

17 A. I don't remember.

18 Q. Did you still have your headphones in at this
19 time?

20 A. Maybe one. The other one probably fell out. I
21 don't remember.

22 Q. Did you have any trouble hearing them?

23 A. I'm sorry?

24 Q. Did you have any trouble hearing them?

25 A. Yes.

H. RODRIGUEZ

1 MR. BROMFELD: After the accident or before
2 the accident?

3 THE WITNESS: After the accident.

4 Q. Do you understand the question?

5 A. After the accident I didn't really hear them.

6 Q. When they asked you why didn't you stop, did you
7 have any trouble hearing that?

8 A. It happened fast. I did have trouble hearing
9 them but I didn't know. That's all I said, I didn't know.

10 Q. But you understood what they were saying to you?

11 A. At first I didn't.

12 Q. Did they repeat the question to you?

13 A. Probably.

14 Q. Now how long did it take the officers to handcuff
15 you?

16 A. Not long.

17 Q. Were they immediately able to get you in
18 handcuffs or did it take some time?

19 A. Immediately.

20 Q. How long do you think the process took to put you
21 in handcuffs?

22 MR. BROMFELD: Are you asking him to guess?

23 MR. BERGMAN: No.

24 A. Approximately less than a minute.

25 Q. And do you recall if the officers asked you to

H. RODRIGUEZ

1 put your hands behind you back?

2 A. No.

3 Q. Did you put your hands behind your back?

4 A. No.

5 Q. But the officers handcuffed you with your hands
6 behind your back, right?

7 A. Yes.

8 Q. Did they grab your hands?

9 A. Yes.

10 Q. Do you recall struggling with the officers at all
11 while they grabbed your hands?

12 A. No.

13 Q. Do you recall twisting your body or otherwise
14 resisting their efforts to handcuff you?

15 A. No.

16 Q. While the officers were handcuffing you, did they
17 say anything to you?

18 A. I don't remember.

19 Q. Do you remember saying anything to them?

20 A. I don't.

21 Q. Now you indicated that there were two officers,
22 correct?

23 A. Yes.

24 Q. Were any other officers on scene when you were
25 getting handcuffed?

H. RODRIGUEZ

1 A. No.

2 Q. Do you recall any civilians in the area?

3 A. There was people.

4 Q. And did they come over while you were being
5 handcuffed?

6 A. They were around.

7 Q. How many civilians were there or how many people
8 were there?

9 A. I don't remember. It was a lot.

10 Q. And do you remember were the people walking over
11 while you were talking to the police?

12 A. No.

13 Q. They were already in the area?

14 A. Yes.

15 Q. When the officers were handcuffing you you were
16 standing up, right?

17 A. Yes.

18 Q. And what happened once you were placed in
19 handcuffs?

20 A. I was brought to the floor.

21 Q. Were you still wearing a backpack at this point
22 in time?

23 A. I don't remember.

24 Q. Do you know if any of the officers removed your
25 backpack from you?

H. RODRIGUEZ

1 A. Yes.

2 Q. Do you know which officers did that?

3 A. I don't remember.

4 Q. Do you know when that happened?

5 A. At the scene.

6 Q. But you're not sure if it was before or after you
7 got handcuffed?

8 A. Right, I don't remember.

9 Q. I had asked you what happened once you were in
10 handcuffs. What's your testimony with respect to that?

11 A. I was just brought to the floor.

12 Q. And how were you brought to the floor?

13 A. They brought me -- like handcuffed me back, they
14 sat me down, and then they put me on my face forward onto
15 the floor with my hands on my back. My face was on the
16 floor on the street and they searched me.

17 Q. Did both officers bring you to the floor or only
18 one?

19 A. Both.

20 Q. Did they say anything to you at that time?

21 A. I don't remember.

22 Q. Do you remember saying anything to them?

23 A. I don't.

24 Q. And then they searched you?

25 A. Yes.

H. RODRIGUEZ

1 Q. How did they search you?

2 A. Physically with their hands.

3 Q. Did they go through your pockets or pat you down
4 or what did they do?

5 A. Yes, they went through my pockets.

6 Q. Do you recall them removing anything from your
7 pockets?

8 A. My cell phone maybe. I don't remember.

9 Q. Do you remember them looking through your bag at
10 all?

11 A. Yes.

12 Q. Do you know who looked through your bag?

13 A. No.

14 Q. Now at some point in time did other officers
15 arrive on the scene?

16 A. Yes.

17 Q. Was that before or after you were searched?

18 A. After.

19 Q. And was it before or after you said that they
20 searched your bags?

21 A. Say that again.

22 Q. You indicated that your bag was searched on the
23 scene. Right?

24 A. Yes.

25 Q. Was that before or after other officers arrived?

H. RODRIGUEZ

1 A. Before.

2 Q. And do you recall how many other officers
3 arrived?

4 A. A lot.

5 Q. What do you mean by a lot?

6 A. More than ten officers, more than three cop cars.

7 Q. Did you ever speak with any of those officers?

8 A. I don't remember if I did say something.

9 Q. I'm asking did they ever speak to you?

10 A. They might have. I don't remember.

11 Q. So you indicated earlier that you were on the
12 ground face first?

13 A. Yes.

14 Q. How long were you positioned that way for?

15 A. More than five minutes.

16 Q. And did you speak to anyone while you were
17 positioned that way?

18 A. Yes.

19 Q. Who did you talk to?

20 A. I was asking for help.

21 Q. Do you know who you spoke to?

22 A. Random bystanders.

23 Q. Police officers or people on the street?

24 A. People, pedestrians.

25 Q. Did any of them respond to you?

H. RODRIGUEZ

1 A. Respond to me?

2 Q. Yes.

3 A. No.

4 Q. Did anyone seem to acknowledge what you were
5 saying?

6 A. Yes.

7 Q. How so?

8 A. They wanted to help me. My belongings were all
9 scattered and they saw I was struck.

10 Q. And how do you know they wanted to help you?

11 A. Because a police officer told them to get away.

12 Q. Do you know who said that?

13 A. No.

14 Q. And you indicated earlier that you asked for
15 medical attention; is that right?

16 A. Yes.

17 Q. Do you know who you asked for medical attention
18 to?

19 A. The police officers.

20 Q. Was it the two Asian individuals you saw earlier?

21 A. Yes.

22 Q. And what, if anything, did they say to you?

23 A. They didn't respond.

24 Q. Now while you were on the ground, did you see if
25 anything happened to your bicycle?

H. RODRIGUEZ

1 A. I was dazed. I don't remember.

2 Q. But you remember them going through your stuff
3 and scattering it?

4 A. My stuff was already scattered because of the
5 accident.

6 Q. So what physically was scattered?

7 A. My cell phone, headphones, I think my ID.

8 Q. Was your ID in your wallet?

9 A. In my pocket.

10 Q. Do you normally keep your ID in your pocket?

11 A. Yes.

12 Q. What sort of ID did you have on you at the time?

13 A. State ID.

14 Q. But not a driver's license, right?

15 A. No.

16 Q. You said you were on the ground for about five
17 machines; is that right?

18 A. Approximately a little more.

19 Q. What happened next?

20 A. More police officers came and they ended up
21 putting me in a regular white and blue car, handcuffed, and
22 I also asked the police officers that I needed medical
23 attention and they didn't want to help.

24 Q. Do you know who those officers were?

25 A. No.

H. RODRIGUEZ

1 Q. Do you recall --

2 A. They just transported me.

3 Q. Do you recall what the officers looked like that
4 transported you?

5 A. Caucasian.

6 Q. Was it one officer or more than one officer?

7 A. Two.

8 Q. Were they both Caucasian?

9 A. Yes.

10 Q. Male, female, mixed?

11 A. Male.

12 Q. Were they in uniform?

13 A. Yes.

14 Q. And do you recall what, if anything, happened to
15 your bag at that time?

16 A. I don't know what happened to my belongings.

17 Q. Did you have them at that time?

18 A. No.

19 Q. And do you recall seeing them in the car with you
20 at that time?

21 A. No.

22 Q. And what about the bicycle? Do you know what
23 happened to the bicycle?

24 A. No.

25 Q. Now you indicated that you asked these officers

H. RODRIGUEZ

1 for medical attention; is that correct?

2 A. Yes.

3 Q. Did they respond to you at all?

4 A. No.

5 Q. Did they say anything else to you?

6 A. I have to go to precinct.

7 Q. And what, if anything, did you say to them?

8 A. I was in pain. I felt pain.

9 MR. BROMFELD: What did you say to them if
10 anything? That's what he wants to know. You
11 said that you were in pain?

12 THE WITNESS: Yes.

13 Q. Did they respond to you?

14 A. No.

15 Q. Did you have any other conversations with them?

16 A. No.

17 Q. And what happened next?

18 A. I was brought to the desk clerk or the desk
19 officer.

20 Q. Was that at the precinct?

21 A. Yes.

22 Q. How long did it take you to get to the precinct?

23 A. It was only maybe approximately five minutes or
24 less.

25 Q. Did the officers escort you into the precinct?

H. RODRIGUEZ

1 A. Yes.

2 Q. Did you have any trouble getting out of the squad
3 car?

4 A. Yes.

5 Q. How so?

6 A. I was limping.

7 Q. And what side were you limping on?

8 A. I don't remember.

9 Q. And what happened once you got to the precinct?

10 A. I asked for medical attention again and the desk
11 clerk told me if I really wanted to do that because it was
12 going to delay my processing time over at bookings, central
13 bookings, and at the precinct and I still, you know, asked
14 for medical attention.

15 Q. Do you know who you were talking to at that time?

16 A. He was a high-ranked officer.

17 Q. And how do you know he was a high-ranking
18 officer?

19 A. His badge was gold and not silver and he looked a
20 lot older, experienced.

21 Q. And was anyone else around during that
22 conversation?

23 A. The officers that transported me.

24 Q. Anybody else?

25 A. Maybe a secretary there. I don't remember.

H. RODRIGUEZ

1 Q. Did you see either of the two Asian officers
2 there?

3 A. No.

4 Q. So what happened once you informed the person at
5 the desk that you wanted to get medical attention?

6 A. They put me in a cell.

7 Q. Do you know who put you in the cell?

8 A. No.

9 Q. And how long were you in the cell for?

10 A. Approximately 30 minutes maybe an hour.

11 Q. Was anybody there with you?

12 A. An officer. I don't remember who.

13 Q. Was an officer with you inside the cell?

14 A. Yes.

15 Q. Do you recall what that person looked like?

16 A. No. Caucasian.

17 Q. Were they in uniform?

18 A. Yes.

19 Q. Male?

20 A. Yes.

21 Q. Now while you were inside the cell for 30 minutes
22 to an hour, did any other officers talk to you?

23 A. I don't remember.

24 Q. Did you talk to anybody else while you were
25 there?

H. RODRIGUEZ

1 A. The ambulance person that came to pick me up.

2 Q. So prior to medical staff, did you speak to any
3 people who were in any of the cells, or any civilians, or
4 anything along those lines?

5 A. I think the police officers that struck me
6 eventually showed up.

7 Q. And you talked to them?

8 A. They spoke to me.

9 Q. Do you remember which? Was it both of them or
10 one of them?

11 A. The tall one.

12 Q. And do you recall what the tall one said to you?

13 A. That I should have stopped, something about
14 stopping. I don't remember.

15 Q. And did you respond to him at all?

16 A. I don't recall.

17 Q. How long do you think you guys spoke for?

18 A. Barely anything, any time.

19 Q. And then you were getting to this earlier, at
20 some point in time medical staff appeared; is that correct?

21 A. Yes.

22 Q. Do you know who arrived?

23 A. A male and a female.

24 Q. Were they in some sort of uniform?

25 A. Yes.

H. RODRIGUEZ

- 1 Q. What sort of uniform were they in?
- 2 A. EMS or something along those lines.
- 3 Q. An EMS or an EMT or something?
- 4 A. Correct.
- 5 Q. And what immediately happened when they arrived?
- 6 A. They started asking me questions.
- 7 Q. Do you remember what they asked you?
- 8 A. What had happened, how I felt.
- 9 Q. What did you tell them happened?
- 10 A. I got struck by a police vehicle.
- 11 Q. Did you tell them anything else?
- 12 A. That I was in pain.
- 13 Q. Anything else?
- 14 A. My body was hurting.
- 15 Q. Anything else?
- 16 A. Just that, that I remember.
- 17 Q. Did you tell them where you were in pain?
- 18 A. Yes.
- 19 Q. Where did you say you were in pain?
- 20 A. All my right side of my body, my elbow, my knees.
- 21 Q. Which elbow?
- 22 A. My right elbow was bleeding.
- 23 Q. Anything else?
- 24 A. Not that I remember.
- 25 Q. And what happened after you told them all that

H. RODRIGUEZ

1 information?

2 A. I was taken in handcuffs into the ambulance. I
3 was walked over.

4 Q. Do you know who walked you over?

5 A. The EMT.

6 Q. The male or the female or both?

7 A. Probably both.

8 Q. Were you accompanied by any police officers?

9 A. Yes, there was one.

10 Q. Do you remember what that officer looked like?

11 A. It was a young, late 20s early 30s, Caucasian
12 male.

13 Q. Did he ride with you in the ambulance?

14 A. Yes.

15 Q. Where did you go?

16 A. Elmhurst Hospital.

17 Q. How long did it take you to get to Elmhurst
18 Hospital?

19 A. Approximately ten minutes.

20 Q. Now while you were in the ambulance did you
21 receive any medical treatment?

22 A. Put a mask on my face for breathing, they put me
23 in a stretcher.

24 Q. Anything else?

25 A. That's all I remember.

H. RODRIGUEZ

1 Q. Did the EMS members ask you any questions?

2 A. That's all I remember.

3 Q. Do you recall if the male and the female were
4 speaking with the police officer at all?

5 A. Maybe one of them that was next to me. I don't
6 know.

7 Q. Do you remember what was being said?

8 A. I don't remember.

9 Q. So it took you about ten minutes to get to
10 Elmhurst Hospital?

11 A. Yes.

12 Q. And what happened once you arrived?

13 A. I was taken into the emergency.

14 Q. And how long were you in the emergency for?

15 A. More than an hour, more than two hours. Until I
16 was discharged.

17 Q. Were you seen right away?

18 A. No.

19 Q. How long did it take for you to be seen?

20 A. More than an hour.

21 Q. And was that officer with you the entire time?

22 A. Yes.

23 Q. Was anybody else with you?

24 A. No.

25 Q. Do you remember talking to anybody during that

H. RODRIGUEZ

1 period of time?

2 A. No.

3 Q. And then so an hour or two passed, then you were
4 seen by somebody?

5 A. Yes.

6 Q. Do you know who you were seen by?

7 A. No, I don't remember. A nurse and doctors, I
8 don't know who.

9 Q. But you were seen by some medical personnel?

10 A. Yes.

11 Q. And did you speak with them at that time?

12 A. They asked questions. I don't remember.

13 Q. Do you remember what you told them?

14 A. I was in pain.

15 Q. Anything else?

16 A. I didn't feel good, my body was hurting a lot on
17 my right side.

18 Q. And anything else that you recall?

19 A. I think I had mentioned that I had lost
20 consciousness but I think that was me being more in a daze
21 or in a shock that I didn't know what was going on.

22 Q. So sitting here today, do you think you lost
23 consciousness?

24 A. No.

25 Q. While you were at the hospital, were you ever

H. RODRIGUEZ

1 given a diagnosis?

2 A. I don't remember which ones. They could have but
3 I don't remember which diagnosis.

4 Q. Okay. And what sort of examination were you
5 given if any?

6 A. MRIs for my -- a CAT scan for my head, MRIs for
7 my hand, and my left knee, and my back.

8 Q. Did the CAT scan show anything?

9 A. I don't remember.

10 Q. What about the MRI for your hand?

11 A. Tissue damage, scar tissue I think.

12 Q. Is that your right hand or your left hand?

13 A. I don't remember which one they got the MRI of.

14 Q. And what about your back?

15 A. I don't remember if they gave me a diagnosis for
16 my back. I don't recall.

17 Q. What about your left knee?

18 A. I don't remember neither.

19 Q. Aside from the CAT scan and the MRIs, do you
20 recall receiving any other treatment?

21 A. At Elmhurst Hospital?

22 Q. Yes.

23 A. No.

24 Q. Were you put under any other tests?

25 A. No.

H. RODRIGUEZ

1 Q. And do you recall specifically what you informed
2 the staff that you were suffering from?

3 A. Pain, muscle spasms and pain in my bones.

4 Q. Do you recall where you told them you were in
5 pain?

6 A. My whole right side.

7 Q. Anywhere else?

8 A. My hands and my knees.

9 Q. Both hands?

10 A. Yes.

11 Q. And both knees?

12 A. Yes.

13 Q. And anywhere else?

14 A. My back.

15 Q. And anywhere else?

16 A. I might have mentioned my right shoulder.

17 Q. And anything else?

18 A. That's all I recall.

19 Q. You don't remember the names of any of the
20 medical providers do you?

21 A. No, I don't.

22 Q. And how long did all this take?

23 A. Until the next day.

24 Q. Do you know approximately how long you spent at
25 the hospital?

H. RODRIGUEZ

1 A. More than ten hours.

2 Q. Was there a police officer with you the entire
3 time?

4 A. Yes.

5 Q. Was it the same officer or did the officer
6 change?

7 A. Eventually there was a change in shift.

8 Q. Do you know who came on?

9 A. Another Caucasian male.

10 Q. Did you talk to him at all?

11 A. He asked me questions.

12 Q. Did you respond at all?

13 A. Vaguely. I don't remember.

14 Q. Aside from the two officers that were escorting
15 you and the medical staff, did you speak to anybody else
16 while you were at the hospital?

17 A. Yes.

18 Q. Who else did you speak to?

19 A. I believe the captain of the precinct came to see
20 me.

21 Q. And do you know what that individual's name was?

22 A. I don't and he came accompanied by a sergeant and
23 another officer that claimed to be Internal Affairs.

24 Q. So that's three people?

25 A. Yes.

H. RODRIGUEZ

1 Q. Did you have any conversation with the captain?

2 A. Yes.

3 Q. And what did that conversation consist of?

4 A. He asked me what had occurred and then I spoke to
5 him honestly and openly and afterwards, he comes asking for
6 an actual recording of our conversation and that's when I
7 denied speaking to him anymore.

8 Q. And why did you do that?

9 A. Because at first they sent one of the officers,
10 which he lied to me saying he was Internal Affairs and
11 afterwards, you know, I used the bathroom without knowing,
12 and I see him speaking to the captain and somebody else
13 around the corner so as I came back, because I was
14 handcuffed, so I had to be uncuffed to use the bathroom,
15 the officer that had uncuffed me came back with me and
16 that's when I saw, you know, I guess discussing and talking
17 together and that's when I felt that they was lying to me.

18 Q. And what about that conversation made you think
19 that they were lying to you?

20 A. Well, he eventually told me he was, I guess, from
21 the 110 Precinct and wasn't Internal Affairs but that was
22 the way he got me to, I guess, what had happened, and I
23 felt comfortable talking to him and afterwards is when he
24 came or better yet the captain came with him, and that's
25 when he wanted to record me and I told him no.

H. RODRIGUEZ

1 Q. And why was that?

2 A. He spoke to me in a very nasty way, I could say,
3 the captain, at first, like if I was guilty of something
4 and afterwards, he comes with recorder and tells me to tell
5 him what had happened and I just told him I rather not
6 until I have an attorney present.

7 MR. BROMFELD: Can we take a quick
8 two-minute break.

9 (Whereupon, a short recess was taken.)

10 MR. BERGMAN: Can I get the last question
11 and answer?

12 (Whereupon, the referred-to question and
13 answer was read back by the Reporter.)

14 Q. Now did you ever speak to the sergeant without
15 the captain present?

16 A. I don't recall.

17 Q. Do you recall speaking to the sergeant at all?

18 A. I don't know if he was a sergeant. I don't know
19 who you're talking about.

20 Q. Sure. So you said three people, right?

21 A. Yeah.

22 Q. The captain, the person who said they were from
23 IAB, and then somebody else?

24 A. Yes.

25 Q. That third person, did you speak to that

H. RODRIGUEZ

1 individual at all?

2 A. I don't think so. I don't remember.

3 Q. And the person who you said they were from IAB,
4 did you speak directly with that person at all?

5 A. Yes.

6 Q. And how long did you speak with that person for?

7 A. Less than five minutes.

8 Q. And do you recall what you said to that person?

9 A. I was in pain and I was struck by a vehicle.

10 Q. And was that a male or a female?

11 A. Male.

12 Q. Do you recall approximately how old?

13 A. 40s, I don't remember.

14 Q. Were they in plain clothing or uniform?

15 A. Plain clothing.

16 Q. And did he say anything to you in response?

17 A. Just asked me what had happened.

18 Q. Okay. Now I meant to ask you this earlier. You
19 indicated that right after the accident there was a group
20 of people around. Do you know any of them?

21 A. No.

22 Q. And have you ever seen any of them since the
23 accident?

24 A. No.

25 Q. Now eventually you were at the hospital; is that

H. RODRIGUEZ

1 correct?

2 A. Repeat that.

3 Q. You eventually went to the hospital, correct?

4 A. Yes.

5 Q. Where did you go after you left the hospital?

6 A. 110th Precinct.

7 Q. And how did you get there?

8 A. Police vehicle.

9 Q. Before you left the hospital, were you given any
10 medication of any sort?

11 A. Pain medication.

12 Q. Do you know what sort of pain medication?

13 A. I don't remember.

14 Q. And did you take it while you were at the
15 hospital?

16 A. Yes.

17 Q. And did they give you medication to take with
18 you?

19 A. No.

20 Q. Now you went back to the 110th Precinct; is that
21 correct?

22 A. Yes.

23 Q. What happened when you got back to the 110th
24 Precinct?

25 A. I got processed.

H. RODRIGUEZ

1 Q. And what did that consist of?

2 A. Fingerprints.

3 Q. Anything else?

4 A. That's all I remember.

5 Q. Do you know who processed you?

6 A. No.

7 Q. Was it any of the officers we've discussed so
8 far?

9 A. Maybe the one that was with me at the hospital.

10 Q. The one that was there when you were transported?

11 A. Right.

12 Q. How long were you at the 110th Precinct for?

13 A. Approximately more than an another hour.

14 Q. And what happened at the end of that hour give or
15 take?

16 A. Got transferred to central booking.

17 Q. How did you get to central booking?

18 A. A police van.

19 Q. And what, if anything, happened at central
20 booking?

21 A. Got processed again.

22 Q. What did that consist of?

23 A. Taking pictures.

24 Q. When you were at the hospital, did they ever take
25 any photos of you?

H. RODRIGUEZ

1 A. No.

2 Q. But at central booking there were photos taken of
3 you?

4 A. In the hospital, the officers took pictures of
5 me.

6 Q. The people that were with the captain?

7 A. Yes.

8 Q. Do you know what they took pictures of?

9 A. My body.

10 Q. And did you allow them to do that?

11 A. It was open, like the bleeding part was open so
12 they took a picture of it.

13 Q. So when you got to central booking they took a
14 photo of you or photos of you?

15 A. Yes.

16 Q. And did anything else happen while you were
17 there?

18 A. Yes.

19 Q. What else happened?

20 A. Internal Affairs approached me after I got
21 transferred to my first cell.

22 Q. First, did you see any medical personnel at
23 central booking?

24 A. Yes.

25 Q. And that was before or after you spoke to

H. RODRIGUEZ

1 somebody with Internal Affairs?

2 A. Medical, before.

3 Q. What conversation, if any, did you have with the
4 medical personnel at Central Booking?

5 A. My pain and asking for medication.

6 Q. So you had just come back from the hospital but
7 you were asking, at Central Booking, for medication?

8 A. Yes.

9 Q. And what, if anything, was told to you?

10 A. They just gave me medication.

11 Q. Do you know what sort of medication they gave
12 you?

13 A. Pain medication.

14 Q. Over-the-counter stuff?

15 A. Yes.

16 Q. And, at Central Booking, did you see a doctor or
17 a nurse or something else?

18 A. It was I think just the nurse they have there.

19 Q. How long were you with that individual for?

20 A. More than ten minutes.

21 Q. Did they do any sort of examination of you?

22 A. I don't recall. I believe so.

23 Q. And is it male or a female do you recall?

24 A. A female.

25 Q. And when you told that woman that you were in

H. RODRIGUEZ

1 pain, did you indicate specifically where you were in pain?

2 A. Yes.

3 Q. Did you tell her you had just come from the
4 hospital?

5 A. Yes.

6 Q. And as a response she gave you pain medication?

7 A. Yes.

8 Q. And then what happened after you saw that
9 individual?

10 A. I was placed back into a cell.

11 Q. And is that when you spoke to someone from --

12 A. No.

13 Q. What happened next?

14 A. I got transferred over to another cell.

15 Q. How long were you in the first cell for?

16 A. More than an hour.

17 Q. Was anyone else in the cell with you?

18 A. People that came in with me from the precinct.

19 Q. Did you talk to any of them?

20 A. No.

21 Q. And then you got brought to another cell?

22 A. Yes.

23 Q. And was that an individual cell or other people
24 in the cell?

25 A. No, other people.

H. RODRIGUEZ

1 Q. And what happened there?

2 A. This is when I think they divide people based on
3 their charges, and as I was getting divided, that's when
4 two officers approached me.

5 Q. Was it the first time you had seen those officers
6 or were they the officers --

7 A. The first time.

8 Q. Okay. And who were they?

9 A. They just said "Internal Affairs."

10 Q. And did you talk to them?

11 A. No.

12 Q. Why not?

13 A. I didn't feel comfortable.

14 Q. So you told them that you didn't want to speak
15 with them?

16 A. Correct.

17 Q. Did they give you their names?

18 A. They must have. I just don't remember.

19 Q. Do you remember what they looked like?

20 A. One male, one female, Hispanic female, male
21 Caucasian.

22 Q. And how long were you with them for?

23 A. Approximately less than five minutes.

24 Q. And you didn't tell them anything in sum and
25 substance?

H. RODRIGUEZ

1 A. No.

2 Q. And then what happened?

3 A. Protocol of getting transferred to another cell.

4 Q. How long did you think you were at central
5 booking for?

6 A. Approximately half a day.

7 Q. Did you meet with an attorney while you were
8 there?

9 A. Legal aid.

10 Q. And you did not pay for a private attorney; is
11 that correct?

12 A. No.

13 Q. Were you eventually brought to Court?

14 A. Yes.

15 Q. And were you arraigned?

16 A. Yes.

17 Q. Do you know when you were arraigned?

18 A. No, I don't recall.

19 Q. And what happened at arraignment?

20 A. I remember just being told to have to come back.

21 Q. And do you know what charges were brought against
22 you?

23 A. Yes. Obstruction, I think, of the one-way of
24 going the wrong direction and resisting arrest.

25 Q. Anything else?

H. RODRIGUEZ

1 A. I don't remember.

2 Q. And do you know what the factual basis for those
3 charges were?

4 A. Can you repeat that?

5 Q. Do you know what the factual basis for the
6 charges were?

7 A. No.

8 Q. And who was present when you were arraigned?

9 A. I don't know if there was people there.

10 Q. And you had an attorney?

11 A. A legal aid, yes.

12 Q. Did you enter a plea at arraignment?

13 A. Did I enter a plea? No.

14 Q. And was bail set?

15 A. No.

16 Q. Were you released on your own recognizance?

17 A. Yes.

18 Q. Now following your arraignment, did you ever have
19 to return to Court related to your arrest?

20 A. Yes.

21 Q. How many times did you have to return to Court?

22 A. Approximately more than five times.

23 Q. Do you recall when any of those appearances were?

24 A. I don't.

25 Q. During those Court appearances, did you ever have

H. RODRIGUEZ

1 to speak to a judge or to a jury?

2 A. No.

3 Q. What day were you arraigned on; do you know?

4 A. I would say the following day of the accident.

5 Q. So that's the 14th of August?

6 A. Yes.

7 Q. And do you recall approximately what time you
8 left Court?

9 A. I would say approximately mid afternoon, anywhere
10 from 4 to 6.

11 Q. P.m.?

12 A. Yes.

13 Q. Did you have any family or friends with you at
14 that time?

15 A. I don't remember if family came.

16 Q. What did you do upon leaving Court?

17 A. I went to my home.

18 Q. You went directly home?

19 A. Yes.

20 Q. Was anyone there?

21 A. Home, yes.

22 Q. Who was there?

23 A. My parent.

24 Q. Your mom?

25 A. Yes.

H. RODRIGUEZ

1 Q. And did you tell your mom about what happened?

2 A. Yes.

3 Q. Had you spoken to her since the arrest?

4 A. I think I might have called her.

5 Q. Do you think you called anybody else at any time?

6 A. Yes.

7 Q. And what did you say to your mom upon getting
8 home?

9 A. About the accident.

10 Q. And did she say anything to you?

11 A. I don't remember.

12 Q. And did you stay at home the rest of the day or
13 did you go anywhere else?

14 A. I went to pick up my belongings at the precinct.

15 Q. Did you have any trouble getting your belongings
16 back?

17 A. Yes.

18 Q. How so?

19 A. It was a long wait.

20 Q. Anything else?

21 A. Just that.

22 Q. Did you go to the precinct to get your
23 belongings?

24 A. Yes.

25 Q. What, if anything, else happened at the precinct?

H. RODRIGUEZ

1 A. Just that.

2 Q. And once you got your belongings back, where, if
3 anywhere, did you go?

4 A. Back home.

5 Q. And then did you go out again that night or did
6 you stay home?

7 A. I don't remember.

8 Q. Did you ever return to the scene of the accident?

9 A. I walked by it.

10 Q. And when was that?

11 A. I would say days after the accident.

12 Q. And why did you walk by it?

13 A. In order to go to the precinct.

14 Q. Was that when you were getting your belongings
15 back or is that --

16 A. The belongings.

17 Q. So was that day after the accident or some other
18 time?

19 A. Yes, the day after.

20 Q. Did you take any photographs while you were
21 there?

22 A. No.

23 Q. Did you see anybody in that area while you were
24 there?

25 A. I don't remember.

H. RODRIGUEZ

1 Q. So I meant to ask you earlier, at the accident
2 location, were you immediately outside any stores or
3 anything along those lines? What was immediately
4 surrounding the area?

5 A. Can you --

6 Q. I'll ask a different question. You were on 43rd
7 Avenue at the time of the accident; correct?

8 A. Yes.

9 Q. How far were you, do you think, from 102nd
10 Street?

11 A. Approximately 20 feet.

12 Q. Okay. So you were pretty close to that corner?

13 A. Yes.

14 Q. And was there a store directly across the street
15 from you?

16 A. Yes.

17 Q. And do you recall what that store was?

18 A. A laundromat.

19 Q. And directly but next to you, was there anything
20 there?

21 A. When?

22 Q. Let me rephrase the question. Did the accident
23 occur outside like a church or something along those lines?

24 A. Yes.

25 Q. How far were you from the church when this

H. RODRIGUEZ

1 accident occurred?

2 A. A few feet away.

3 Q. So you indicated earlier that you believe you had
4 to go to Court more than five times, correct?

5 A. Yes.

6 Q. Did the criminal charges against you eventually
7 terminate?

8 A. Yes.

9 Q. And what was outcome?

10 A. An ACD.

11 Q. And again that's an adjournment in contemplation
12 of dismissal?

13 A. Correct.

14 Q. Do you know what the terms of the ACD were?

15 A. Three months.

16 Q. Three months, what do you mean?

17 A. I can't fall into problems or be arrested.

18 Q. And did anything happen during those three
19 months?

20 A. No.

21 Q. So the case was ultimately dismissed?

22 A. Correct.

23 Q. Do you know when you took the ACD?

24 A. No.

25 Q. Now you indicated that there were two Asian male

H. RODRIGUEZ

1 officers that were in the vehicle that struck you, correct?

2 A. Yes.

3 Q. Those are the two individuals you're suing; is
4 that correct?

5 A. Yes.

6 Q. Have you seen those individuals since August 13,
7 2015?

8 A. Yes.

9 Q. Did you see one or both of them?

10 A. One.

11 Q. Do you recall which of the two?

12 A. The tall one.

13 Q. When did you see him?

14 A. At Criminal Court.

15 Q. Did you talk to him at all?

16 A. No.

17 Q. And that was Criminal Court in relation to the
18 case against you?

19 A. Yes.

20 Q. And aside from that, have you seen either of them
21 again?

22 A. No.

23 Q. So we've talked sort of about the injuries you
24 felt immediately after the incident but generally speaking,
25 did you suffer any physical injuries as a result of the

H. RODRIGUEZ

1 incident on August 13, 2015?

2 A. Can you repeat that question?

3 Q. Sure. So we were asking earlier about pain that
4 you felt immediately after the incident. I'm asking you
5 now if you suffered any physical injuries as a result of
6 the incident on August 13, 2015?

7 A. Yes.

8 Q. And what injuries did you sustain?

9 A. A disk bulge in my spine.

10 Q. Anything else?

11 A. Concussion on my head, the unbalanced eyes,
12 weakening in both hands, pain in my neck to the right
13 shoulder, pain radiating from my lower back towards my left
14 leg so weak left, leg trouble like with strength on my left
15 foot as the pain radiates down.

16 Q. What do you mean by "radiates"?

17 A. I feel tingling and the sensation is coming from
18 my back to my thighs, down to my knee, into my calf and my
19 upper left foot.

20 Q. Now were photos ever taken of these injuries
21 aside from what you testified earlier to at the hospital?

22 A. Some pictures, I believe so.

23 Q. Do you know who took those photos?

24 A. I might have taken pictures of my bruises but
25 nobody took pictures of me.

H. RODRIGUEZ

1 Q. But you may have taken photos?

2 A. Yes, of my abrasions.

3 MR. BERGMAN: We're going to call for the
4 production of any photographs taken by the
5 plaintiff.

6 MR. BROMFELD: To the extent that they
7 exist.

8 Q. Was that on your cell phone or on a camera? How
9 did you take those?

10 A. I don't remember if it was a camera or cell
11 phone.

12 Q. Have you changed phones since August of 2015?

13 A. Yes.

14 Q. Do you maintain your photos in any sort of photo
15 album electronically or otherwise?

16 A. Yes.

17 Q. So you still may have access to photos that you
18 took in August of 2015?

19 A. Yes.

20 Q. Were you ever asked to do a search for any
21 photographs that you have relating to this incident?

22 A. No.

23 Q. Did any medical providers take photos of your
24 injuries?

25 A. I don't remember.

H. RODRIGUEZ

1 Q. Aside from going to Elmhurst Hospital immediately
2 following the incident, did you seek treatment for any the
3 injuries you just listed?

4 A. Yes.

5 Q. And where did you seek treatment from?

6 A. PR Medical.

7 Q. Anywhere else?

8 A. It's pain management in Union Turnpike, Queens.

9 Q. Anywhere else?

10 A. Dynasty Medical.

11 Q. Dynasty?

12 A. Yes.

13 Q. Anywhere else?

14 A. Dr. Golzad's office.

15 Q. And anywhere else?

16 A. A few locations for MRIs and I don't recall the
17 locations' names.

18 Q. Okay. Anywhere else?

19 A. Just those.

20 Q. Was PR Medical where you regularly went for
21 treatment at that time?

22 A. Yes.

23 Q. They were your primary doctors?

24 A. No.

25 Q. Did someone refer you to PR Medical?

H. RODRIGUEZ

1 A. Correct.

2 Q. Who referred you to PR Medical?

3 MR. BROMFELD: Over my objection; asked and
4 answered. You can answer it again.

5 A. A friend of my uncle.

6 Q. And when did you start going there?

7 A. Approximately a week or two weeks after my
8 accident.

9 Q. And when was the last time you were there?

10 A. March of 2016.

11 Q. What kind of services, if any, did they provide
12 for you?

13 A. Numerous orthopedic, chiropractor, acupuncture
14 and therapy, psychological counseling. That's all at PR
15 Medical.

16 Q. How many times do you think you went there
17 between August 2015 and March of 2016?

18 A. Approximately 3 to 4 times a week.

19 Q. How many times did you think you received
20 chiropractic care while you were there?

21 A. Every time I was there.

22 Q. And what about orthopedic care?

23 A. Orthopedic doctor seen me approximately about
24 five times maybe.

25 Q. Do you recall who that was?

H. RODRIGUEZ

1 A. Hank Ross.

2 Q. And how often did you receive acupuncture?

3 A. Every time I went for therapy as well.

4 Q. How often did you go for therapy?

5 A. 3 to 4 times a week.

6 Q. And how long would you spend there when you went
7 there for therapy?

8 A. About an hour and a half.

9 Q. And during that hour and a half, you received
10 acupuncture as well as therapy?

11 A. Correct.

12 Q. What sort of therapy did you receive?

13 A. Exercises on machines, stretching, the magnetic
14 thing they put on you, massages.

15 Q. And was the therapy intended to treat any
16 specific injury?

17 A. Yes.

18 Q. Which injury?

19 A. My knees, my hands, my back.

20 Q. Anything else?

21 A. My back, my knees and my hand.

22 Q. And you also indicated that you received
23 psychological counseling while you were there?

24 A. Yes.

25 Q. And is that with a therapist or who was that

H. RODRIGUEZ

1 with?

2 A. A therapist. I don't remember her name.

3 Q. How many times did you meet with her?

4 A. Not many. Less than five times.

5 Q. And how long did those sessions last for?

6 A. Approximately 20 minutes, half an hour.

7 Q. And what did you discuss during those sessions?

8 A. How I felt after the accident.

9 Q. Was it a psychiatrist or psychologist that you
10 saw or something else?

11 A. I don't -- I wouldn't -- I don't know which.

12 Q. Did she diagnose you with anything?

13 A. No.

14 Q. Did she prescribe you any medication?

15 A. No.

16 Q. Did she tell you anything substantive about what
17 you were complaining of?

18 A. Being scared around going around the same area
19 again because of the way I felt.

20 Q. Anything else?

21 A. I don't remember.

22 Q. Now you indicated that you saw Dr. Hank Ross
23 there; correct?

24 A. Yes.

25 Q. Did Dr. Ross specifically diagnose you with

H. RODRIGUEZ

1 anything?

2 A. He must have. I don't remember.

3 Q. Now you said that you stopped going there in
4 March of 2016?

5 A. Yes.

6 Q. And why did you stop going there in March 2016?

7 A. Because of medical coverage and I don't have
8 Medicaid.

9 Q. Now you had medical coverage until March of 2016;
10 is that correct?

11 A. They were, I guess, saying that they could only
12 treat me up to that point and after that, expenses was, you
13 know, accumulating and I didn't have any manner of paying
14 them.

15 Q. So between the incident and March of 2016, do you
16 know how you were paying for this treatment?

17 A. No.

18 Q. Were you under any insurance plan at the time?

19 A. No.

20 Q. Was anyone paying for your treatment?

21 A. No.

22 Q. So are those medical bills outstanding?

23 A. Yes.

24 Q. And then in March 2016, they said they could no
25 longer treat you?

H. RODRIGUEZ

1 A. Correct.

2 Q. And that's when you ceased receiving therapy and
3 acupuncture and chiropractor services?

4 A. Yes.

5 Q. Did those services help you at all?

6 A. Yes.

7 Q. How so?

8 A. Temporary relief.

9 Q. Of all your injuries?

10 A. Some not all.

11 Q. Which injuries did they provide relief for?

12 A. My knee somewhat.

13 Q. Is that your left knee or right knee?

14 A. I don't recall because it varied on the day that,
15 you know, the pain was where it was.

16 Q. And did they provide relief for anything else?

17 A. No, it was temporary.

18 Q. What do you mean by "temporary"? Like a day or
19 two or an hour or weeks?

20 A. I would say a day or two because I would have to
21 go back for therapy in order to feel better again.

22 Q. And, generally speaking, were your injuries
23 improving over time?

24 A. I don't think so.

25 Q. Do you think the therapy was working?

H. RODRIGUEZ

1 A. It was to a certain degree.

2 Q. What degree would you say it was working to?

3 A. Very minimal.

4 Q. Now you also said you went to pain management in

5 Union Turnpike; is that correct?

6 A. Yes.

7 Q. When did you first start going there?

8 A. End of 2015, beginning of 2016.

9 Q. When did you stop going there?

10 A. I would say February or March of 2016 as well.

11 Q. How many times do you think you went there?

12 A. Just twice.

13 Q. Why did you go there?

14 A. For my back epidural shots, steroid shots.

15 Q. And who recommended you to them?

16 A. Hank Ross.

17 Q. Did the epidurals work?

18 A. Yes.

19 Q. How so?

20 A. It relieved a lot of pain at that moment with the

21 spine, the disk bulge; it made me feel comfortable as to

22 move around.

23 Q. And so you received two epidurals?

24 A. Two.

25 Q. Is there a reason you never received anymore?

H. RODRIGUEZ

1 A. I just don't have coverage.

2 Q. Now you also said you went to Dynasty Medical; is
3 that correct?

4 A. Yes.

5 Q. And where is Dynasty Medical?

6 A. In Corona, Queens.

7 Q. And what is Dynasty Medical?

8 A. It's therapy, it's for therapy.

9 Q. When did you first go to Dynasty Medical?

10 A. 2018.

11 Q. And do you know when in 2018?

12 A. Approximately May, June.

13 Q. And how many times have you been to Dynasty
14 Medical?

15 A. Once.

16 Q. And what sort of therapy did you receive at that
17 time?

18 A. My knee and my back.

19 Q. What was done for you?

20 A. The heat pads and a menthol rubbing like an Icy
21 Hot sort of rubbing thing.

22 Q. Like a massage?

23 A. Sort of like, correct, to my back and knee as
24 well.

25 Q. Did that help as all?

H. RODRIGUEZ

1 A. Somewhat.

2 Q. Why did you go there?

3 A. My pain is coming back and I can't stand the pain
4 still. It's getting worse.

5 Q. And who directed you to go there?

6 A. My mother.

7 Q. Has she been there before?

8 A. No, a friend of hers recommended it.

9 Q. And was that covered by some sort of insurance or
10 out of pocket? How did you pay for that?

11 A. I haven't paid. They said they was going to, you
12 know, treat me.

13 Q. Okay. And then you also said you went to
14 Golzad's office; right?

15 A. Right, I was referred there from Dynasty.

16 Q. Okay. Since March of 2016, is it correct to say
17 that you have not undergone any sort of therapy or rehab?

18 A. Just at home.

19 Q. And what have you done at home?

20 A. Stretch, try to do the therapy session all over
21 again, kind of what they showed me at PR Medical with
22 resistance bands and they gave me a pillow to sleep on, a
23 brace also to wrap my spine and my body around it when I
24 sleep or whenever I have problems with my back so that
25 helps at home.

H. RODRIGUEZ

1 Q. And you never had any sort of surgery as a result
2 of this incident, correct?

3 A. No.

4 Q. Now you listed off a somewhat large list of
5 injuries earlier. Have any of your injuries healed?

6 A. No.

7 Q. Have any of your injuries improved over time?

8 A. No.

9 Q. So is it fair to say that sitting here today you
10 feel as much pain as you did two years ago or three years
11 ago?

12 A. Yes.

13 Q. Have you been told by any medical professionals
14 that you need continuing therapy?

15 A. Yes.

16 Q. And who told you that?

17 A. Dr. Plotnick.

18 Q. Who is Dr. Plotnick?

19 A. Over at Dynasty.

20 Q. And what did Dr. Plotnick specifically tell you?

21 A. That I needed to see a neurologist and my back
22 still has problems.

23 Q. Did Dr. Plotnick tell you anything else?

24 A. I don't remember.

25 Q. Is there anything that you can't do now that you

H. RODRIGUEZ

1 used to be able to do before the August 13, 2015 incident?

2 A. Yes.

3 Q. Like what?

4 A. Rock climbing. I can't run as efficient,
5 straight, without having to limp or having my calves or my
6 ankles with the opposite foot. When I walk, I can't walk
7 normal. I can't bend down as usual when I'm changing. I
8 can't run up and down the stairs without having to like
9 place one foot and walk like an older person down the
10 stairs.

11 Q. Anything else?

12 A. Hold the handlebars on my bicycle as firm as I
13 use to; I can't pedal with my left leg upwards in order to
14 continue to cycle. I can't give massages because my hands
15 is weak. I feel less efficient at work. I can't stand as
16 long without having to lean on something. The majority at
17 work, it's just my efficiency at work. I can't hold trays
18 without actually feeling my hands numbing down or feeling a
19 tingling sensation on my hands or my fingers to be precise.

20 It's a problem to hold the trays now, whether
21 it's just lightweight trays or hors d'oeuvres for a long
22 time or something more heavy; it's just a lot harder to
23 grip and hold on to them and standing and having to bend
24 over and pick up certain objects as ice bags or anything
25 like that, it's a lot more difficult.

H. RODRIGUEZ

1 Q. Anything else?

2 A. On top of my head, that's the majority.

3 Sometimes I would say focusing with my blurred vision.

4 It's like I go into a daze and I can't focus right until I
5 kind of snap out of it. It makes it more difficult to like
6 focus on certain tasks, as in writing sometimes because I
7 like to write. I feel like I usually get a writers block
8 because of that.

9 Q. Anything else?

10 A. Sitting down, as like right now, I have to put my
11 weight on one glute and then like every maybe 20-something
12 minutes or half an hour I have to kind of like put the
13 weight on the other one because my back, I feel my spine is
14 out of place, like something just kind of has to click back
15 in order to feel straight again so it's very uncomfortable
16 sitting.

17 Q. Anything else?

18 A. That's the majority of it.

19 Q. You indicated that you went rock climbing. Did
20 you rock climb often before August 13, 2015?

21 A. Yes.

22 Q. How often would you go rock climbing?

23 A. I would say weekly, every other week.

24 Q. Where would you rock climb?

25 A. Cliffs in Long Island City.

H. RODRIGUEZ

1 Q. Is Cliffs the name of a location?

2 A. Yes.

3 Q. You also indicated that you write or use to write
4 earlier. What sort of things would you write?

5 A. I would say journal. I like to write poetry. I
6 like music so I like to work on lyrics and it's become very
7 difficult for me.

8 Q. Do you keep a journal?

9 A. I wouldn't call it a journal but I would say I
10 like to write things I see, things I experience throughout
11 the day but it's not an everyday task.

12 Q. Did you write anything about this incident?

13 A. No.

14 Q. Did you write anything about how this incident
15 made you feel?

16 A. No.

17 Q. Let's talk for a moment about what a typical day
18 in your life would involve before the accident. On
19 average, what time would you normally wake up?

20 A. Morning, early. I like to enjoy the most of the
21 sun so as soon as the sun rises I like to be up.

22 Q. What would you normally do when you woke up?

23 A. Stretch, try to work out, calisthenics at home,
24 usually in my room.

25 Q. What kind of stuff would you do?

H. RODRIGUEZ

1 A. Push-ups, pull-ups, sit-ups, pretty much
2 calisthenics; help my mother out the majority of the time
3 because she's older, such as cooking, cleaning, with her
4 own personal, you know, tasks. She, you know, it's very
5 difficult for her at home so usually I would be the one to
6 help her with day-to-day activities.

7 Q. So do you have any hobbies aside from writing and
8 poetry and rock climbing?

9 A. Music, it's primarily my hobby.

10 Q. To play or to listen?

11 A. Both.

12 Q. What do you play?

13 A. MIDI keyboard.

14 Q. How long have you been doing that for?

15 A. Since 2013, 2014.

16 Q. How often prior to August 13, 2015, would you
17 play?

18 A. Every day.

19 Q. What kind of stuff would you play?

20 A. It's instrumental.

21 Q. And what time would you usually go to sleep?

22 A. It would vary, 11 approximately.

23 Q. What were your career goals prior to August 13,
24 2015?

25 A. Continue neuropsychology at Hunter College.

H. RODRIGUEZ

1 Q. And have your career goals changed in any way
2 since then?

3 A. Not only that but also the Chase Bank opportunity
4 that I mentioned prior too. Those were my -- that was kind
5 of an aspiration for me because it was better pay, better
6 opportunity, better location, better résumé for me.

7 Q. So have those career goals changed at all since
8 the incident?

9 A. I haven't pursued it. I haven't felt the same to
10 pursue it.

11 Q. And with respect to the Chase opportunity, what
12 sort of job tasks would you have to do were you to work for
13 Chase in that capacity?

14 A. Can you --

15 Q. Sure. So you indicate earlier that there was an
16 opportunity to work at Chase.

17 A. Correct.

18 Q. My question is what of sort of things would you
19 have been doing if you worked for Chase?

20 A. It was going to be a bartending opportunity at
21 their corporate office here in Manhattan. Everywhere from
22 just setting up a station and I mean bartending, it could
23 be soda, water, sparkling water; it doesn't have to
24 necessarily be alcohol. Setting up the station is pretty
25 much consisting of all drinks that they needed and just

H. RODRIGUEZ

1 take care of that floor. I'm assuming that was primarily
2 going to be my job description.

3 Q. So do you know how many days a week you would
4 have been working there?

5 A. Full time, a Monday to Friday job, just like 9 to
6 5?

7 Q. And you indicated that this incident interfered
8 with that?

9 A. Yes.

10 Q. How so?

11 A. Because I got the e-mail from being accepted.
12 They ran a background check and I received it no more than
13 maybe a week prior to my accident and I couldn't go
14 anymore. I couldn't show up for their appointment. I
15 passed the background check, I went through all that and
16 then I could never answer them back because of my accident.
17 I had to go to therapy, I couldn't work, so I lost that
18 opportunity.

19 Q. To be clear you're saying you couldn't answer
20 them back because you were in jail or because you were
21 physically incapable of answering?

22 A. No, I couldn't perform that task. I couldn't
23 accept the job.

24 Q. And then you also indicated that this has
25 impacted your ability to go back to school?

H. RODRIGUEZ

1 A. Yes.

2 Q. And how is that?

3 A. I just I don't feel focused. When I try to grab
4 a book and read, it's not the same anymore and the
5 depression has gotten to me.

6 Q. Now you indicated earlier that prior to the
7 incident you would wake up on average in the morning, you
8 liked to see the sun and you would go to bed around 11:00.
9 Has that changed at all since the accident?

10 A. It's harder to sleep.

11 Q. Are you claiming any emotional injuries as a
12 result of your interaction with members of the New York
13 City Police Department on August 13, 2015?

14 A. Yes.

15 Q. And can you describe your emotional injuries?

16 A. I feel more of an introvert. I don't socialize
17 as much. I don't have as many friends as before. I've
18 noticed that I get angry randomly if anybody -- more of a
19 paranoia when I might have seen a police officer around me
20 or approach me. I don't like to remember and relive or
21 even experience that same area again of my accident.

22 My views, you know, as how a police officer might
23 treat me, or talk to me, you know, or once they get my ID,
24 it makes me feel very skeptical about how they're going to
25 be with me so I'm very cautious with people. I don't open

H. RODRIGUEZ

1 up as much. It falls more under introvert and that bothers
2 me because I know I can't perform the same way, I can't do
3 the same things and that bothers me because I know I might
4 not be able to run the same way, do the same things as I
5 use to.

6 It scares me. I'm usually scared because of that
7 because I don't know how I'm going to, you know, end up
8 eventually and that makes me feel very like not fully a man
9 anymore because I'm weak, I can't defend, you know, a
10 female if I wanted to, you know. I feel like its brought a
11 big problem for me to hold a relationship with a female.

12 Q. You just indicated that you feel more like an
13 introvert than you used to be and you described some
14 paranoia around police officers and feelings of anger that
15 arise; is that correct?

16 A. Yes.

17 Q. Is there anything that you -- any other emotional
18 injuries that you feel that you've suffered?

19 A. If I do have more I don't know how to describe
20 them. I don't know what it could fall under but I know I'm
21 not the same emotionally with my parents.

22 Q. When did these feelings you just discussed first
23 arise?

24 A. Not too long afterwards out of feeling that I
25 can't be the same; that, you know, got me to notice a lot

H. RODRIGUEZ

1 more things that I wasn't like before.

2 Q. You indicated earlier that you went to counseling
3 at some point in time?

4 A. Yes.

5 Q. Did you discuss these feelings while you were in
6 counseling?

7 A. No, not all of them.

8 Q. Is there any reason for that?

9 A. I didn't really try to understand myself and I
10 think I was trying to like block or hold back these
11 feelings. I wanted to be strong but I couldn't, I realized
12 I couldn't be as strong as I used to be or as I wanted to
13 be so it got worse.

14 Q. So would you say that these feelings have gotten
15 worse over the time, stayed the same or improved?

16 A. Gotten worse.

17 Q. Had you ever experienced any of those feelings
18 prior to August 13, 2015?

19 A. No.

20 Q. And have you ever talked to anyone about these
21 feelings?

22 A. No.

23 Q. Now you indicated a minute ago that you had,
24 correct me if I'm wrong, that you've had trouble sustaining
25 relationships with women since his date?

H. RODRIGUEZ

1 A. Yes.

2 Q. In August of 2015, were you in a relationship?

3 A. I had an on and off relationship, yes.

4 Q. How long were you in that on and off relationship
5 for?

6 A. Approximately a year.

7 Q. And on the incident day, were you, I guess for
8 lack of a better term, on or off?

9 A. No, I was on.

10 Q. And who is this relationship with?

11 A. A female I had met at a party.

12 Q. Can you give us her name?

13 A. Kimberly.

14 Q. Do you know her last name?

15 A. No.

16 Q. Is it your testimony that you were unable to
17 sustain a relationship with Kimberly because of this
18 incident?

19 A. Yes.

20 Q. And how did this incident stop you from
21 sustaining that relationship?

22 A. I couldn't be a normal person with her.

23 Q. Can you describe that or explain that?

24 A. My introvertedness, I couldn't tell her what was
25 bothering me. I couldn't talk about my accident and I feel

H. RODRIGUEZ

1 it led to not performing, you know, even in bed with her
2 and those types of things, it's, you know, very
3 frustrating.

4 Q. Aside from Kimberly, have you had the issues you
5 just described in any other relationships since August of
6 2015?

7 A. Yes.

8 Q. And how many such situations have arisen?

9 A. What do you mean?

10 Q. Let me rephrase that. Have you been in any other
11 relationships since you ceased seeing Kimberly?

12 A. Yes.

13 Q. How many other relationships would you say that
14 you've been in?

15 A. Just one.

16 Q. Is that relationship ongoing or did that end?

17 A. It ended.

18 Q. Who was that with?

19 A. Nicole.

20 Q. Do you know her last name?

21 A. No.

22 Q. And did this incident affect your relationship
23 with Nicole?

24 A. Yes.

25 Q. How so?

H. RODRIGUEZ

1 A. My introvertedness, I'm not as normal all the
2 time. Sometimes the smallest things can just aggravate me,
3 and frustrate me, and I just explode.

4 Q. When you say "explode," what do you mean?

5 A. Angerwise, I can't control it. Like could be,
6 you know, some small detail or anything and if it's
7 something I don't like, I might react because of my
8 frustrations and I can't explain myself. I might react
9 wrong with her.

10 Q. Have you suffered any financial injuries as a
11 result of the August 13, 2015, incident?

12 A. I went through all my savings.

13 MR. BROMFELD: By Counsel, its been
14 discussed, we're not claiming loss of earnings.
15 There's no loss of earnings claim.

16 Q. And since March of 2016, have you had health
17 insurance at any point in time?

18 A. No.

19 Q. As far as you know, has anyone paid your medical
20 bills?

21 A. No.

22 Q. We've discussed a lot of injuries that have
23 arisen out of this incident. Is there anything that we
24 have not discussed that you're claiming arose out of the
25 August 13, 2015 incident?

H. RODRIGUEZ

1 A. I think we've covered everything from my
2 headaches and my dizziness from my head to my shoulders, my
3 right shoulder, my neck, my hands, the weakening of it, my
4 left leg now, it's weak, and my spine, my back, my mid to
5 lower back, like it's a sharp shooting pain that I just
6 feel that goes in, and there's an occasion where I felt
7 like I had a short seizure like I couldn't -- like I got up
8 from the couch and as I walked towards the door and I was
9 going to open the door to, you know, use the bathroom, I
10 just felt a whole numbing, electrifying feeling run through
11 my body where I froze and it was like I was getting like
12 poked in my back or -- I was scared.

13 I felt like I was poisoned. It was this crazy
14 feeling I had never felt before in my life and that kind of
15 made me cramp up and like fall onto one knee and I needed
16 Nicole to help me to get up and I was scared because I
17 didn't know whether she did something to me. I was scared.
18 I didn't know what was going and I believe that was from my
19 spine, from my back. I never felt that before. I
20 questioned her and that's one of the reasons also we've had
21 problems because I don't trust nobody.

22 Q. When did you experience that episode?

23 A. I would say last year.

24 Q. Do you know what part of year that occurred in?

25 A. I'm sorry?

H. RODRIGUEZ

1 Q. Sure. Do you know like what season that happened
2 in?

3 A. Summer.

4 Q. And did you seek any medical attention because of
5 that?

6 A. No.

7 Q. Have you ever seen a doctor named either Ali or
8 Ally Guy?

9 A. I don't remember.

10 Q. Did you meet with any doctors in early April of
11 2018?

12 A. This year April, no.

13 Q. Other than this lawsuit, did you file any other
14 complaints about this incident?

15 A. No, not that I recall.

16 Q. Did you file anything with CCRB?

17 A. Yes.

18 Q. Do you know what CCRB stands for?

19 A. I forgot.

20 Q. The Civilian Complaint Review Board; is that
21 right?

22 A. Yes.

23 Q. That's who you filed with, correct?

24 A. Yes.

25 Q. And what sort of allegation did you make to CCRB?

H. RODRIGUEZ

1 A. I don't recall exactly the complaint that I made.

2 Q. Did you speak to anybody at CCRB?

3 A. Yes.

4 Q. Do you know who you spoke to?

5 A. I don't remember.

6 Q. Do you know when you spoke with them?

7 A. Approximately two years ago.

8 Q. And how long did you speak to somebody from CCRB
9 for?

10 A. I don't remember how long it was.

11 Q. And do you know if CCRB conducted an
12 investigation of this incident?

13 A. Yes.

14 Q. And do you know the outcome of that
15 investigation?

16 A. I forgot.

17 Q. Are you currently a member of any social network
18 like Facebook, or Myspace or LinkedIn?

19 A. I have Facebook and Instagram but I rarely use
20 them.

21 Q. Have you posted anything about this incident on
22 either Facebook or Instagram?

23 A. No.

24 Q. When did you first join Facebook?

25 A. High school.

H. RODRIGUEZ

1 Q. What is your Facebook user name?

2 A. I don't remember. I haven't logged in.

3 Q. And what about Instagram, when did you join

4 Instagram?

5 A. I don't remember the date. I think it was last

6 year.

7 Q. And do you know what your user name on Instagram

8 is?

9 A. My name.

10 Q. Do you know who Sergeant Starrantino is?

11 A. No.

12 Q. Do you know who Police Officer Zheng is?

13 A. Sounds familiar.

14 Q. What about Police Officer Chen?

15 A. As well, yes.

16 Q. Sounds familiar?

17 A. Yes.

18 Q. But you don't know who Sergeant Starrantino is?

19 A. Can you repeat his name again?

20 Q. Starrantino.

21 A. The first name?

22 Q. I'm saying Sergeant Starrantino.

23 A. I can't guess.

24 Q. During the course of our deposition, there were
25 certain times you didn't remember the answers to some of my

H. RODRIGUEZ

1 questions.

2 A. Correct.

3 Q. Is there any answer to a question that I asked
4 you about that you now remember that you previously did not
5 remember?

6 A. I could've forgotten along the way as well.

7 Q. So nothing comes to mind?

8 A. Not at this moment.

9 Q. Is there anything about this incident or about
10 your injuries that I haven't asked you that you think is
11 important?

12 A. No.

13 Q. Is there anything that we have not discussed that
14 you would like to mention?

15 A. No.

16 Q. Are you aware that if this case goes to trial and
17 the defendants win, that you may be liable for the costs
18 that the defendants incurred defending against your
19 lawsuit?

20 MR. BROMFELD: Note my objection. Do you
21 know, yes or no?

22 THE WITNESS: No.

23 Q. Do you know an individual by the name of Leslie
24 Zevallas?

25 A. No.

H. RODRIGUEZ

1 MR. BROMFELD: How do you spell the last
2 name?

3 MR. BERGMAN: I'm not entirely sure. I
4 think it's Z-E-V-A-L-L-A-S.

5 Q. Do you know anyone else who has sued the city
6 before?

7 A. I'm sorry?

8 Q. Do you know anyone else who has sued the City or
9 members of the New York City Police Department?

10 A. No.

11 MR. BERGMAN: I have no further questions at
12 this time.

13 (Whereupon, at 2:55 P.M., the Examination of
14 this witness was concluded.)

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H. RODRIGUEZ

D E C L A R A T I O N

I hereby certify that having been first duly
sworn to testify to the truth, I gave the above testimony.

I FURTHER CERTIFY that the foregoing transcript
is a true and correct transcript of the testimony given by
me at the time and place specified hereinbefore.

HEINS RODRIGUEZ

Subscribed and sworn to before me
this ____ day of _____ 20__.

NOTARY PUBLIC

H. RODRIGUEZ

1 E X H I B I T S

2

3 DEFENDANTS' EXHIBITS:

4

5 EXHIBIT EXHIBIT PAGE

6 LETTER DESCRIPTION

7 A Photograph 67

8

9 (Exhibits retained by Counsel.)

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11 I N D E X

12

13 EXAMINATION BY PAGE

14 MR. BERGMAN 4

15

16

17 INFORMATION AND/OR DOCUMENTS REQUESTED

18 INFORMATION AND/OR DOCUMENTS PAGE

19 Production of the fee arrangements 17

20 Between Plaintiff and Counsel

21 Any photographs taken by the 135

22 Plaintiff

23

24

25

H. RODRIGUEZ

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

I, ENRIQUE ALVARADO, a Notary Public for and
within the State of New York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that such
examination is a true record of the testimony given by that
witness.

I further certify that I am not related to any
of the parties to this action by blood or by marriage and
that I am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 27th day of July 2018.



ENRIQUE ALVARADO

\$	17 [1] - 165:19 170898 [1] - 2:15 18 [3] - 1:13, 24:20, 46:20 180-44 [2] - 22:20, 23:15 18th [1] - 42:6	2:55 [1] - 163:13	A
\$25 [1] - 30:12 \$400 [1] - 71:14		3	a-ha [1] - 4:18 A.M [1] - 1:14 ability [5] - 7:4, 8:24, 10:11, 64:4, 151:25 able [7] - 6:14, 31:5, 83:9, 91:4, 97:17, 146:1, 153:4 about [54] - 4:14, 10:10, 12:2, 12:24, 13:23, 14:1, 16:10, 18:18, 18:22, 18:25, 19:16, 20:15, 20:20, 20:23, 25:25, 36:16, 43:12, 46:16, 48:15, 61:8, 73:11, 82:8, 93:7, 93:8, 104:16, 105:22, 109:13, 112:9, 114:10, 114:14, 114:17, 117:18, 118:19, 129:1, 129:9, 133:23, 134:3, 137:22, 137:23, 138:8, 139:16, 148:12, 148:14, 148:17, 152:24, 154:20, 155:25, 159:14, 160:21, 161:3, 161:14, 162:4, 162:9 above [1] - 164:4 abrasions [1] - 135:2 absolute [1] - 92:3 abuse [3] - 51:14, 51:16, 51:22 accept [1] - 151:23 accepted [2] - 27:22, 151:11 access [1] - 135:17 accident [30] - 19:11, 34:17, 62:6, 82:21, 94:10, 94:14, 97:1, 97:2, 97:3, 97:5, 104:5, 119:19, 119:23, 128:4, 129:9, 130:8, 130:11, 130:17, 131:1, 131:7, 131:22, 132:1, 137:8, 139:8, 148:18, 151:13, 151:16, 152:9, 152:21, 155:25 accompanied [2] - 111:8, 116:22 according [1] - 41:8 accumulating [1] - 140:13 accurately [2] - 4:24, 7:1 accused [2] - 47:7, 47:11 ACD [7] - 48:7, 49:7, 50:16, 50:18, 132:10, 132:14, 132:23 aching [2] - 93:5, 93:6 acknowledge [1] - 103:4 across [1] - 131:14 action [2] - 4:13, 166:14
1	2	4	
1 [5] - 1:8, 2:11, 3:13, 59:4, 59:5 10 [7] - 1:8, 2:11, 30:4, 38:2, 59:4, 92:3 100 [2] - 1:20, 2:13 10007 [2] - 1:21, 2:13 10038 [1] - 2:5 102nd [3] - 81:5, 81:7, 131:9 104 [3] - 74:6, 75:24, 77:17 104th [27] - 69:2, 74:7, 74:10, 75:13, 75:19, 75:20, 76:9, 76:14, 76:24, 77:2, 77:5, 77:16, 77:19, 77:20, 77:23, 78:1, 78:5, 78:10, 78:15, 79:4, 79:7, 79:10, 79:12, 79:18, 79:19, 80:7, 81:6 108 [3] - 72:8, 72:11, 73:23 108-44 [1] - 4:9 108th [5] - 72:12, 73:24, 74:1, 74:3, 81:2 10:50 [1] - 1:14 11 [1] - 149:22 110 [1] - 117:21 110th [4] - 120:6, 120:20, 120:23, 121:12 111 [1] - 2:4 11368 [2] - 4:9, 22:20 11:00 [1] - 152:8 11th [1] - 28:21 13 [39] - 4:14, 16:10, 16:13, 19:7, 20:1, 20:11, 20:16, 20:19, 20:23, 22:7, 30:4, 34:23, 35:1, 35:4, 44:2, 50:20, 51:4, 54:19, 61:10, 61:13, 61:17, 61:19, 61:23, 63:2, 63:15, 64:4, 64:6, 82:20, 133:6, 134:1, 134:6, 146:1, 147:20, 149:16, 149:23, 152:13, 154:18, 157:11, 157:25 13-hour [1] - 30:6 135 [1] - 165:21 13th [2] - 39:1, 62:6 14th [1] - 128:5 15 [2] - 29:6, 30:2 16 [1] - 1:5 160 [3] - 22:5, 22:10, 22:13	20 [3] - 33:13, 131:11, 139:6 20-something [1] - 147:11 2004 [1] - 37:7 2005 [1] - 12:19 2006 [1] - 37:1 2011 [1] - 36:23 2012 [4] - 27:3, 36:17, 36:21, 36:23 2013 [2] - 27:3, 149:15 2014 [7] - 36:15, 36:19, 40:21, 48:20, 57:15, 60:12, 149:15 2015 [59] - 4:14, 16:10, 16:13, 19:7, 20:1, 20:12, 20:16, 20:19, 20:23, 22:7, 24:1, 24:4, 32:1, 34:23, 35:1, 35:4, 39:3, 39:19, 44:2, 50:21, 51:4, 54:17, 55:4, 55:17, 55:23, 56:1, 56:10, 56:12, 61:10, 61:13, 61:17, 61:19, 61:23, 62:7, 62:15, 63:3, 63:15, 64:4, 64:6, 66:20, 68:8, 82:20, 133:7, 134:1, 134:6, 135:12, 135:18, 137:17, 142:8, 146:1, 147:20, 149:16, 149:24, 152:13, 154:18, 155:2, 156:6, 157:11, 157:25 2016 [11] - 137:10, 137:17, 140:4, 140:6, 140:9, 140:15, 140:24, 142:8, 142:10, 144:16, 157:16 2016-043090 [1] - 2:14 2018 [9] - 1:13, 25:22, 31:3, 31:16, 31:18, 143:10, 143:11, 159:11, 166:18 20 [1] - 164:16 20s [1] - 111:11 24 [5] - 7:10, 7:13, 11:7, 11:10, 11:13 25 [4] - 29:6, 30:2, 30:11, 76:25 25461 [2] - 1:7, 2:10 27th [1] - 166:18 28461 [2] - 1:8, 2:10 29 [1] - 25:22	3 [3] - 59:11, 137:18, 138:5 30 [3] - 3:12, 108:10, 108:21 300 [3] - 43:23, 66:22, 71:14 30s [1] - 111:11 35 [2] - 33:13, 43:1 4 [5] - 59:11, 128:10, 137:18, 138:5, 165:14 40 [1] - 43:1 40s [1] - 119:13 43rd [21] - 67:22, 68:15, 74:11, 74:22, 74:23, 75:24, 76:6, 76:12, 77:16, 78:7, 79:15, 80:6, 80:25, 82:16, 82:20, 83:2, 83:13, 83:16, 83:20, 83:23, 131:6 44 [1] - 75:20 44th [4] - 72:8, 72:13, 74:4, 74:5 48th [1] - 28:21 49th [6] - 4:9, 22:20, 23:15, 73:19, 73:20, 73:22 4:00 [1] - 69:5 5 [2] - 37:24, 151:6 5'8 [1] - 22:3 50-h [3] - 19:13, 19:17, 19:22 500 [2] - 7:23, 7:24 5861 [1] - 1:5 5:00 [1] - 65:12 6 [2] - 37:24, 128:10 67 [1] - 165:7 6804 [1] - 21:22 7 [2] - 59:12, 93:20 8 [6] - 38:2, 59:12, 92:7, 92:15, 93:9, 93:20 9 [4] - 92:7, 92:15, 93:9, 151:5	

<p>activities [1] - 149:6</p> <p>actual [2] - 9:20, 117:6</p> <p>actually [1] - 146:18</p> <p>acupuncture [4] - 137:13, 138:2, 138:10, 141:3</p> <p>address [5] - 4:8, 22:19, 25:1, 25:2, 74:15</p> <p>addressed [1] - 54:13</p> <p>adjourment [2] - 48:8, 132:11</p> <p>administer [1] - 3:9</p> <p>advice [1] - 20:5</p> <p>Advil [7] - 7:14, 7:18, 8:8, 8:11, 8:13, 10:18, 10:25</p> <p>Affairs [6] - 116:23, 117:10, 117:21, 122:20, 123:1, 125:9</p> <p>affect [2] - 60:4, 156:22</p> <p>affected [1] - 10:12</p> <p>after [41] - 3:12, 6:10, 26:20, 27:24, 32:17, 34:17, 34:23, 50:20, 54:19, 62:18, 64:14, 67:3, 69:5, 91:7, 92:1, 92:23, 94:10, 94:14, 97:1, 97:3, 97:5, 100:6, 101:17, 101:18, 101:19, 101:25, 110:25, 119:19, 120:5, 122:20, 122:25, 124:8, 130:11, 130:17, 130:19, 133:24, 134:4, 137:7, 139:8, 140:12</p> <p>afternoon [3] - 65:22, 66:4, 128:9</p> <p>afterwards [6] - 65:6, 117:5, 117:11, 117:23, 118:4, 153:24</p> <p>again [22] - 23:13, 25:17, 27:16, 34:8, 37:9, 44:21, 59:16, 92:2, 93:18, 101:21, 107:10, 121:21, 130:5, 132:11, 133:21, 137:4, 139:19, 141:21, 144:21, 147:15, 152:21, 161:19</p> <p>against [11] - 1:5, 4:15, 12:7, 15:14, 45:1, 45:5, 75:6, 126:21, 132:6, 133:18, 162:18</p> <p>age [2] - 26:3, 46:20</p> <p>agency [2] - 12:8, 32:5</p> <p>aggravate [1] - 157:2</p> <p>ago [17] - 8:12, 8:13, 12:3, 16:3, 16:9, 23:24, 25:6, 25:23, 25:25, 26:2, 46:3, 46:5, 53:13, 145:10, 145:11, 154:23, 160:7</p> <p>AGREED [2] - 3:4, 3:15</p> <p>ahead [1] - 85:16</p>	<p>aid [2] - 126:9, 127:11</p> <p>air [2] - 87:17, 90:11</p> <p>album [1] - 135:15</p> <p>alcohol [5] - 11:9, 51:20, 51:22, 52:11, 150:24</p> <p>ALEN [2] - 1:7, 2:10</p> <p>Ali [1] - 159:7</p> <p>all [45] - 3:15, 10:12, 47:2, 54:14, 69:20, 78:15, 85:23, 88:22, 91:4, 94:24, 95:3, 97:9, 98:10, 101:10, 103:8, 106:3, 109:15, 110:20, 110:25, 111:25, 112:2, 112:4, 115:18, 115:22, 116:10, 116:12, 118:17, 119:1, 119:4, 121:4, 133:15, 137:14, 141:5, 141:9, 141:10, 143:25, 144:20, 150:7, 150:25, 151:15, 152:9, 154:7, 157:1, 157:12</p> <p>allegation [1] - 159:25</p> <p>alley [1] - 41:11</p> <p>allow [1] - 122:10</p> <p>Ally [1] - 159:8</p> <p>along [7] - 29:20, 86:1, 109:4, 110:2, 131:3, 131:23, 162:6</p> <p>already [5] - 66:22, 69:22, 69:23, 99:13, 104:4</p> <p>also [28] - 6:9, 8:8, 8:17, 16:4, 25:21, 30:14, 32:5, 32:17, 40:20, 41:22, 41:24, 57:14, 60:15, 74:2, 91:1, 92:11, 92:19, 93:10, 104:22, 138:22, 142:4, 143:2, 144:13, 144:23, 148:3, 150:3, 151:24, 158:20</p> <p>ALSO [1] - 2:17</p> <p>ALVARADO [2] - 166:7, 166:21</p> <p>Alvarado [1] - 1:21</p> <p>am [2] - 166:13, 166:15</p> <p>ambulance [4] - 109:1, 111:2, 111:13, 111:20</p> <p>amount [1] - 59:7</p> <p>ample [1] - 80:10</p> <p>AND [2] - 3:4, 3:15</p> <p>AND/OR [2] - 165:17, 165:18</p> <p>anger [3] - 46:8, 46:11, 153:14</p> <p>angerwise [1] - 157:5</p> <p>angry [1] - 152:18</p> <p>ankle [9] - 12:25, 13:1, 13:3, 13:5, 13:24, 40:4, 60:16, 60:18, 61:5</p> <p>ankles [1] - 146:6</p>	<p>another [6] - 116:9, 116:23, 121:13, 124:14, 124:21, 126:3</p> <p>answer [15] - 5:12, 5:17, 5:18, 6:5, 6:18, 10:11, 30:20, 31:5, 56:22, 118:11, 118:13, 137:4, 151:16, 151:19, 162:3</p> <p>answered [1] - 137:4</p> <p>answering [1] - 151:21</p> <p>answers [1] - 161:25</p> <p>anxiety [2] - 63:5, 63:9</p> <p>any [177] - 5:1, 5:5, 6:10, 6:18, 6:25, 7:3, 7:6, 7:9, 11:6, 11:9, 11:12, 12:6, 12:7, 12:13, 13:13, 14:1, 16:25, 17:3, 17:4, 17:6, 18:3, 18:4, 19:6, 20:4, 20:12, 20:18, 20:22, 21:10, 22:17, 23:11, 24:3, 26:16, 26:21, 27:14, 27:20, 28:5, 31:21, 35:14, 43:15, 44:7, 44:23, 45:1, 45:2, 45:4, 45:5, 46:14, 48:6, 51:13, 51:18, 51:22, 52:11, 52:14, 52:16, 52:22, 53:1, 53:15, 54:5, 55:23, 57:7, 57:13, 57:17, 58:2, 58:5, 58:16, 58:18, 60:12, 60:22, 61:6, 61:12, 61:23, 62:8, 63:6, 63:9, 64:22, 64:24, 66:11, 67:3, 72:18, 75:2, 75:5, 77:8, 77:11, 78:5, 78:7, 78:14, 79:3, 79:6, 79:13, 79:16, 82:16, 82:24, 83:1, 83:2, 83:12, 83:13, 83:17, 86:7, 86:15, 91:12, 91:16, 94:21, 94:25, 96:22, 96:24, 97:7, 98:24, 99:2, 99:24, 102:7, 102:25, 106:15, 107:2, 108:22, 109:2, 109:3, 109:18, 111:8, 111:21, 112:1, 114:5, 114:20, 114:24, 115:19, 117:1, 119:20, 119:22, 120:9, 120:10, 121:7, 121:25, 122:22, 123:3, 123:21, 124:19, 127:23, 128:13, 129:5, 129:15, 130:20, 131:2, 133:25, 134:5, 135:4, 135:14, 135:20, 135:23, 136:2, 137:11, 138:15, 139:14, 140:13, 140:18, 144:17, 145:1, 145:5, 145:7, 145:13, 149:7, 150:1, 152:11, 153:17, 154:8, 154:17, 156:5, 156:10, 157:10, 157:17,</p>	<p>159:4, 159:10, 159:13, 160:17, 162:3, 165:21, 166:13</p> <p>anybody [19] - 15:14, 17:7, 17:12, 18:15, 18:18, 18:22, 20:1, 56:3, 66:25, 107:24, 108:11, 108:24, 112:23, 112:25, 116:15, 129:5, 130:23, 152:18, 160:2</p> <p>anymore [5] - 117:7, 142:25, 151:14, 152:4, 153:9</p> <p>anyone [27] - 3:8, 16:16, 16:19, 20:4, 20:7, 20:10, 20:15, 23:2, 23:11, 23:14, 24:9, 64:18, 78:12, 78:14, 88:7, 102:16, 103:4, 107:21, 124:17, 128:20, 140:20, 154:20, 157:19, 163:5, 163:8</p> <p>anything [83] - 10:18, 12:4, 19:12, 29:12, 29:19, 46:23, 52:24, 54:8, 57:12, 58:14, 58:19, 60:24, 61:1, 61:20, 63:23, 66:8, 69:9, 69:12, 69:19, 79:9, 84:1, 86:1, 88:18, 96:11, 96:14, 98:17, 98:19, 100:20, 100:22, 101:6, 103:22, 103:25, 105:14, 106:5, 106:7, 106:10, 109:4, 109:18, 110:11, 110:13, 110:15, 110:23, 111:24, 113:15, 113:18, 114:8, 115:17, 119:16, 121:3, 121:19, 122:16, 123:9, 125:24, 126:25, 129:10, 129:20, 129:25, 131:3, 131:19, 132:18, 134:10, 138:20, 139:12, 139:16, 139:20, 140:1, 141:16, 145:23, 145:25, 146:11, 146:24, 147:1, 147:9, 147:17, 148:12, 148:14, 153:17, 157:6, 157:23, 159:16, 160:21, 162:9, 162:13</p> <p>anywhere [22] - 27:18, 27:21, 35:20, 35:24, 36:1, 36:4, 36:8, 36:10, 78:3, 91:21, 93:22, 115:7, 115:13, 115:15, 128:9, 129:13, 130:3, 136:7, 136:9, 136:13, 136:15, 136:18</p> <p>appearances [3] - 48:6, 127:23, 127:25</p> <p>appeared [1] - 109:20</p> <p>applied [1] - 43:18</p>
---	--	---	--

<p>appointment [1] - 151:14</p> <p>apprehended [1] - 48:25</p> <p>approach [2] - 96:4, 152:20</p> <p>approached [6] - 91:15, 95:6, 96:5, 96:9, 122:20, 125:4</p> <p>approaching [1] - 95:19</p> <p>approximate [3] - 22:6, 81:25, 82:2</p> <p>approximately [79] - 9:6, 16:9, 16:15, 18:12, 19:5, 22:3, 22:5, 23:1, 25:6, 26:1, 27:3, 29:6, 30:2, 30:4, 32:1, 32:7, 33:8, 33:11, 36:15, 36:17, 36:19, 36:23, 37:8, 37:10, 37:12, 37:24, 38:2, 39:4, 41:2, 42:8, 42:21, 42:25, 43:23, 44:6, 44:18, 45:22, 47:20, 49:20, 50:1, 53:13, 54:18, 54:19, 56:14, 57:4, 65:12, 69:3, 69:5, 70:5, 71:9, 71:12, 71:14, 73:21, 76:25, 82:4, 82:11, 86:12, 93:20, 97:24, 104:18, 106:23, 108:10, 111:19, 115:24, 119:12, 121:13, 125:23, 126:6, 127:22, 128:7, 128:9, 131:11, 137:7, 137:18, 137:23, 139:6, 143:12, 149:22, 155:6, 160:7</p> <p>April [2] - 159:10, 159:12</p> <p>are [24] - 1:9, 2:12, 3:16, 5:24, 11:3, 15:20, 22:2, 22:15, 28:12, 29:16, 29:19, 30:2, 30:8, 30:16, 32:25, 62:25, 68:10, 68:15, 97:22, 133:3, 140:22, 152:11, 160:17, 162:16</p> <p>area [6] - 99:2, 99:13, 130:23, 131:4, 139:18, 152:21</p> <p>arise [3] - 61:20, 153:15, 153:23</p> <p>arisen [2] - 156:8, 157:23</p> <p>arising [2] - 60:12, 62:5</p> <p>arose [2] - 39:16, 157:24</p> <p>around [17] - 43:1, 55:4, 56:11, 56:12, 83:9, 88:7, 99:6, 107:21, 117:13, 119:20, 139:18, 142:22, 144:23, 152:8, 152:19, 153:14</p> <p>arraigned [6] - 47:23, 50:2, 126:15, 126:17, 127:8, 128:3</p> <p>arraignment [4] - 50:4,</p>	<p>126:19, 127:12, 127:18</p> <p>arrangement [2] - 17:16, 17:22</p> <p>arrangements [2] - 18:1, 165:19</p> <p>arrest [12] - 46:18, 46:25, 47:3, 47:5, 47:7, 47:15, 48:17, 48:23, 60:12, 126:24, 127:19, 129:3</p> <p>arrested [8] - 45:18, 45:20, 45:23, 45:25, 46:17, 48:16, 51:1, 132:17</p> <p>arrive [1] - 101:15</p> <p>arrived [5] - 101:25, 102:3, 109:22, 110:5, 112:12</p> <p>as [84] - 1:9, 2:12, 3:9, 3:11, 3:16, 4:1, 4:3, 6:1, 7:14, 8:14, 10:13, 10:24, 11:12, 12:3, 18:22, 25:1, 32:17, 32:24, 33:3, 33:5, 36:19, 39:3, 41:16, 43:21, 47:14, 50:1, 57:7, 60:2, 67:23, 67:24, 68:1, 70:22, 86:15, 90:12, 91:22, 94:19, 117:13, 124:6, 125:3, 133:25, 134:5, 134:15, 138:3, 138:10, 142:10, 142:21, 143:23, 143:25, 145:1, 145:10, 146:4, 146:7, 146:12, 146:15, 146:24, 147:6, 147:10, 148:21, 149:3, 152:11, 152:17, 152:22, 153:1, 153:4, 154:12, 157:1, 157:10, 157:19, 158:8, 161:15, 162:6</p> <p>Asian [4] - 95:11, 103:20, 108:1, 132:25</p> <p>aside [29] - 12:2, 18:17, 18:21, 20:12, 20:14, 24:8, 27:13, 27:17, 28:4, 35:16, 35:19, 35:24, 36:1, 36:4, 36:8, 36:10, 56:1, 58:15, 63:13, 66:7, 69:11, 94:19, 114:19, 116:14, 133:20, 134:21, 136:1, 149:7, 156:4</p> <p>ask [10] - 4:14, 4:17, 5:1, 5:5, 6:18, 21:17, 112:1, 119:18, 131:1, 131:6</p> <p>asked [19] - 41:14, 97:6, 97:25, 100:9, 103:14, 103:17, 104:22, 105:25, 107:10, 107:13, 110:7, 113:12, 116:11, 117:4, 119:17, 135:20, 137:3, 162:3, 162:10</p> <p>asking [9] - 97:22, 102:9, 102:20, 110:6, 117:5,</p>	<p>123:5, 123:7, 134:3, 134:4</p> <p>aspiration [1] - 150:5</p> <p>assistance [1] - 45:7</p> <p>associate's [2] - 26:24, 27:4</p> <p>associated [2] - 53:8, 58:19</p> <p>assume [1] - 5:9</p> <p>assuming [2] - 21:16, 151:1</p> <p>at [209] - 1:19, 6:14, 8:6, 10:10, 10:12, 11:2, 13:18, 15:18, 23:11, 23:12, 23:15, 23:21, 24:3, 24:9, 24:14, 28:5, 32:2, 32:11, 33:6, 33:15, 33:19, 34:10, 34:11, 34:14, 34:20, 34:25, 35:4, 35:13, 36:14, 36:16, 37:5, 37:11, 37:15, 37:16, 37:18, 37:20, 37:22, 38:3, 38:7, 38:11, 39:7, 39:8, 39:11, 39:13, 39:15, 39:21, 40:13, 40:20, 40:23, 40:24, 41:1, 41:3, 41:5, 41:17, 41:18, 41:20, 41:22, 42:11, 42:14, 43:4, 43:6, 44:5, 44:7, 46:20, 47:2, 47:17, 49:19, 49:25, 50:4, 50:6, 52:25, 53:22, 53:25, 54:5, 54:14, 55:5, 55:20, 56:23, 57:22, 58:2, 59:10, 60:1, 60:16, 65:5, 65:25, 66:10, 66:16, 67:7, 69:6, 71:1, 71:19, 72:18, 75:2, 75:5, 75:25, 76:8, 76:21, 77:5, 77:8, 77:11, 78:15, 80:21, 82:18, 83:1, 83:4, 83:12, 84:15, 85:23, 86:25, 87:3, 87:21, 88:19, 89:1, 91:4, 92:5, 94:22, 95:3, 96:11, 96:18, 97:11, 98:10, 99:21, 100:5, 100:20, 101:9, 101:14, 104:12, 105:15, 105:17, 105:20, 106:3, 106:20, 107:12, 107:13, 107:15, 108:4, 109:15, 109:19, 112:4, 113:11, 113:25, 114:21, 115:24, 116:10, 116:12, 116:16, 117:9, 118:3, 118:17, 119:1, 119:4, 119:25, 120:14, 121:9, 121:12, 121:14, 121:19, 121:24, 122:2, 122:22, 123:4, 123:7, 123:16, 126:4, 126:19, 127:12, 128:13, 129:5, 129:12, 129:14, 129:25, 131:1, 131:7, 133:14, 133:15,</p>	<p>134:21, 136:21, 137:14, 140:18, 141:5, 142:20, 143:16, 144:18, 144:19, 144:21, 144:25, 145:19, 146:15, 146:16, 146:17, 148:23, 149:5, 149:25, 150:7, 150:16, 150:20, 152:9, 154:3, 155:11, 157:17, 160:2, 162:8, 163:11, 163:13, 164:8</p> <p>ate [1] - 9:13</p> <p>attend [6] - 26:8, 26:10, 27:10, 27:25, 30:6, 43:8</p> <p>attended [1] - 27:14</p> <p>attending [4] - 26:20, 27:13, 28:6, 70:16</p> <p>attention [14] - 53:15, 53:17, 57:17, 57:22, 64:4, 68:6, 103:15, 103:17, 104:23, 106:1, 107:10, 107:14, 108:5, 159:4</p> <p>attorney [9] - 13:18, 15:20, 19:25, 20:4, 20:7, 118:6, 126:7, 126:10, 127:10</p> <p>attorneys [10] - 17:3, 17:6, 17:10, 17:16, 17:22, 18:3, 19:20, 19:23, 20:12, 20:14</p> <p>Attorneys [2] - 2:3, 2:9</p> <p>August [56] - 4:14, 16:10, 16:13, 19:7, 20:1, 20:11, 20:16, 20:19, 20:23, 22:7, 24:1, 24:3, 34:23, 35:1, 35:4, 39:1, 39:19, 44:2, 44:7, 50:20, 51:4, 54:19, 55:4, 56:10, 61:10, 61:13, 61:17, 61:19, 61:23, 62:6, 62:7, 62:14, 63:2, 63:15, 64:4, 64:6, 66:19, 68:8, 82:20, 128:5, 133:6, 134:1, 134:6, 135:12, 135:18, 137:17, 146:1, 147:20, 149:16, 149:23, 152:13, 154:18, 155:2, 156:5, 157:11, 157:25</p> <p>Authority [1] - 41:13</p> <p>authorized [1] - 3:8</p> <p>availability [1] - 29:8</p> <p>available [1] - 11:2</p> <p>avenue [1] - 74:20</p> <p>Avenue [30] - 4:9, 22:20, 23:15, 28:21, 67:22, 68:15, 72:8, 72:13, 73:19, 73:20, 73:22, 74:4, 74:5, 74:11, 74:22, 74:23, 76:7, 76:12, 78:7, 79:15, 80:6, 80:25, 82:16, 82:20, 83:2, 83:13, 83:17, 83:20,</p>
---	--	--	--

83:24, 131:7 average [2] - 148:19, 152:7 aware [3] - 84:18, 84:21, 162:16 away [3] - 103:11, 112:17, 132:2	149:5, 150:20, 150:23, 150:24, 151:2, 151:19, 152:25, 153:4, 153:13, 153:25, 154:11, 154:12, 154:13, 155:22, 157:5, 162:17 because [33] - 75:18, 76:2, 76:5, 93:8, 103:11, 104:4, 107:11, 117:9, 117:13, 139:19, 140:7, 141:14, 141:20, 146:14, 147:6, 147:8, 147:13, 149:3, 150:5, 151:11, 151:16, 151:20, 153:2, 153:3, 153:6, 153:7, 153:9, 155:17, 157:7, 158:16, 158:21, 159:4 become [2] - 84:18, 148:6 bed [2] - 152:8, 156:1 been [55] - 4:2, 11:15, 11:17, 11:19, 12:10, 14:4, 14:7, 14:18, 14:21, 14:23, 15:1, 15:4, 15:7, 15:10, 16:25, 21:1, 24:6, 25:8, 25:10, 27:20, 28:10, 29:1, 31:2, 31:18, 35:17, 45:18, 45:20, 45:23, 46:7, 46:10, 46:13, 47:11, 51:6, 51:9, 51:11, 51:16, 52:11, 52:16, 62:12, 63:8, 63:14, 68:1, 80:2, 90:10, 92:3, 143:13, 144:7, 145:13, 149:14, 150:19, 151:4, 156:10, 156:14, 157:13, 164:3 before [51] - 1:21, 3:8, 3:10, 4:16, 5:17, 6:19, 9:9, 9:10, 11:15, 11:17, 11:20, 12:3, 12:8, 12:14, 15:16, 32:15, 34:23, 34:24, 34:25, 42:9, 43:10, 47:25, 50:20, 50:22, 51:7, 51:9, 51:11, 61:8, 61:10, 74:16, 82:21, 94:5, 97:1, 100:6, 101:17, 101:19, 101:25, 102:1, 120:9, 122:25, 123:2, 144:7, 146:1, 147:20, 148:18, 152:17, 154:1, 158:14, 158:19, 163:6, 164:15 begin [1] - 4:16 beginning [2] - 39:4, 142:8 behind [7] - 79:13, 79:16, 83:1, 85:17, 98:1, 98:3, 98:6 being [19] - 1:9, 2:12, 40:18, 42:16, 59:4, 59:5, 80:21, 91:10, 92:1, 92:3,	92:4, 92:23, 94:20, 99:4, 112:7, 113:20, 126:20, 139:18, 151:11 belief [1] - 49:1 believe [8] - 13:14, 31:8, 58:6, 116:19, 123:22, 132:3, 134:22, 158:18 Bellevue [2] - 58:1, 58:3 belongings [10] - 69:15, 69:16, 103:8, 105:16, 129:14, 129:15, 129:23, 130:2, 130:14, 130:16 bend [2] - 146:7, 146:23 benefits [4] - 43:13, 43:16, 43:18, 45:15 BERGMAN [15] - 2:14, 4:5, 17:25, 21:18, 63:25, 66:23, 73:13, 82:10, 82:19, 97:23, 118:10, 135:3, 163:3, 163:11, 165:14 Bergman [1] - 4:12 best [11] - 5:6, 8:24, 10:11, 17:15, 17:21, 39:18, 54:10, 64:4, 68:20, 69:7, 82:5 better [9] - 38:4, 38:10, 117:24, 141:21, 150:5, 150:6, 155:8 between [13] - 3:4, 16:13, 17:1, 17:16, 17:22, 18:1, 33:13, 35:3, 81:6, 82:6, 137:17, 140:15, 165:20 bicycle [29] - 61:3, 69:10, 69:11, 70:16, 70:21, 71:4, 71:19, 72:1, 73:15, 75:3, 75:5, 75:10, 75:14, 75:16, 75:17, 75:19, 75:21, 75:25, 76:6, 76:9, 76:20, 76:23, 77:1, 77:5, 78:23, 103:25, 105:22, 105:23, 146:12 bicycle's [1] - 87:18 bicycling [1] - 70:7 big [1] - 153:11 bike [38] - 70:18, 70:23, 71:1, 71:6, 71:10, 71:15, 72:19, 72:21, 73:9, 78:17, 78:20, 80:14, 80:24, 81:9, 82:1, 82:13, 83:13, 83:16, 83:19, 83:24, 84:2, 84:25, 86:16, 86:18, 87:3, 87:8, 87:9, 87:10, 87:11, 87:13, 89:1, 89:5, 89:18, 89:20, 90:3, 90:8, 90:10, 90:25 bikes [1] - 82:15 biking [2] - 70:6, 70:23 bills [2] - 140:22, 157:20 birth [1] - 21:13	birthday [1] - 52:1 bit [1] - 32:12 BJ's [7] - 36:9, 36:10, 36:22, 39:25, 42:11, 42:14, 43:6 black [3] - 78:9, 84:7, 86:15 bleeding [4] - 91:20, 95:3, 110:22, 122:11 block [5] - 81:6, 81:8, 81:10, 147:7, 154:10 blood [3] - 94:2, 94:20, 166:14 blue [2] - 35:25, 104:21 Blue [6] - 36:1, 36:16, 39:25, 40:13, 40:14, 41:14 blurred [1] - 147:3 blurry [2] - 10:3, 53:10 Board [1] - 159:20 body [18] - 85:3, 85:5, 86:23, 87:17, 88:12, 88:14, 88:19, 89:17, 90:18, 91:19, 92:17, 98:13, 110:14, 110:20, 113:16, 122:9, 144:23, 158:11 bones [1] - 115:3 book [1] - 152:4 bookbag [7] - 69:13, 69:14, 69:19, 69:21, 73:4, 73:6, 73:7 booking [10] - 47:21, 49:23, 49:25, 121:16, 121:17, 121:20, 122:2, 122:13, 122:23, 126:5 Booking [3] - 123:4, 123:7, 123:16 bookings [2] - 107:12, 107:13 born [1] - 21:23 Boswell [10] - 7:15, 7:16, 8:18, 9:2, 9:4, 9:8, 9:16, 10:8, 10:12, 10:18 both [25] - 7:18, 49:8, 80:3, 80:9, 80:11, 84:25, 90:21, 90:23, 91:2, 91:3, 95:11, 95:12, 96:7, 96:9, 100:17, 100:19, 105:8, 109:9, 111:6, 111:7, 115:9, 115:11, 133:9, 134:12, 149:11 bothering [1] - 155:25 bothers [2] - 153:1, 153:3 bottle [2] - 73:7, 73:10 bottom [1] - 68:7 bowling [1] - 41:11 brace [2] - 91:4, 144:23 bread [2] - 42:17, 42:19
B			
B [2] - 9:1, 165:1 B-O-S-W-E-L-L [1] - 9:1 back [54] - 48:25, 50:5, 50:9, 50:11, 56:19, 85:18, 91:19, 91:24, 92:5, 92:8, 92:10, 93:22, 98:1, 98:3, 98:6, 100:13, 100:15, 114:7, 114:14, 114:16, 115:14, 117:13, 117:15, 118:13, 120:20, 120:23, 123:6, 124:10, 126:20, 129:16, 130:2, 130:4, 130:15, 134:13, 134:18, 138:19, 138:21, 141:21, 142:14, 143:18, 143:23, 144:3, 144:24, 145:21, 147:13, 147:14, 151:16, 151:20, 151:25, 154:10, 158:4, 158:5, 158:12, 158:19 background [2] - 151:12, 151:15 backpack [4] - 70:1, 73:12, 99:21, 99:25 badge [1] - 107:19 bag [4] - 101:9, 101:12, 101:22, 105:15 bags [2] - 101:20, 146:24 bail [1] - 127:14 bands [1] - 144:22 Bank [1] - 150:3 bankruptcy [1] - 14:10 bar [1] - 60:7 Baree [1] - 16:4 barely [2] - 9:15, 109:18 bartender [1] - 38:13 bartending [3] - 32:11, 150:20, 150:22 based [3] - 44:23, 57:5, 125:2 basically [1] - 49:5 basis [5] - 4:15, 38:21, 43:24, 127:2, 127:5 bathroom [3] - 117:11, 117:14, 158:9 be [34] - 3:7, 3:11, 6:13, 29:14, 38:13, 68:24, 82:1, 82:2, 82:3, 112:19, 116:23, 117:14, 132:17, 146:1, 146:19, 148:21,			

<p>break [7] - 6:17, 6:19, 13:5, 29:24, 64:1, 89:21, 118:8</p> <p>breakfast [1] - 9:13</p> <p>breathing [1] - 111:22</p> <p>Bright [2] - 67:11, 68:18</p> <p>bring [3] - 12:18, 70:21, 100:17</p> <p>bringing [1] - 20:19</p> <p>broke [2] - 13:1, 60:15</p> <p>broken [3] - 12:25, 13:24, 40:4</p> <p>Bromfeld [1] - 15:25</p> <p>BROMFELD [26] - 2:5, 17:18, 18:20, 19:14, 21:15, 21:20, 25:17, 30:20, 55:13, 56:22, 61:8, 66:21, 73:11, 82:8, 82:18, 82:21, 94:22, 97:1, 97:22, 106:9, 118:7, 135:6, 137:3, 157:13, 162:20, 163:1</p> <p>bromfeld [2] - 16:2, 18:17</p> <p>brought [14] - 10:1, 12:6, 12:13, 12:16, 26:2, 99:20, 100:11, 100:12, 100:13, 106:18, 124:21, 126:13, 126:21, 153:10</p> <p>bruised [2] - 92:23, 92:24</p> <p>bruises [1] - 134:24</p> <p>brushing [1] - 66:7</p> <p>bulge [2] - 134:9, 142:21</p> <p>business [1] - 42:4</p> <p>businesses [2] - 68:5, 68:10</p> <p>bussing [1] - 29:10</p> <p>but [34] - 25:25, 32:25, 38:7, 53:7, 55:17, 60:2, 76:5, 80:19, 85:19, 86:5, 94:24, 97:9, 97:10, 98:5, 100:6, 104:2, 104:14, 113:9, 113:20, 114:2, 117:21, 122:2, 123:6, 131:19, 133:24, 134:24, 135:1, 148:9, 148:11, 150:3, 153:20, 154:11, 160:19, 161:18</p> <p>buy [1] - 42:18</p> <p>By [1] - 157:13</p> <p>by [50] - 1:18, 3:4, 3:8, 3:12, 4:2, 13:18, 15:20, 16:4, 18:4, 18:20, 19:19, 19:23, 21:1, 26:4, 27:22, 38:12, 38:18, 46:7, 46:13, 52:9, 67:25, 72:4, 74:21, 84:5, 85:12, 91:15, 95:6, 102:5, 110:10, 111:8, 113:4, 113:6, 113:9,</p>	<p>116:22, 118:13, 119:9, 130:9, 130:12, 134:16, 135:4, 141:18, 144:9, 145:13, 162:23, 164:7, 165:9, 165:21, 166:11, 166:14</p> <p>BY [4] - 2:5, 2:14, 4:4, 165:13</p> <p>bystanders [1] - 102:22</p>	<p>122:6</p> <p>car [16] - 84:18, 84:24, 85:7, 85:15, 85:19, 85:22, 85:23, 86:8, 86:10, 86:21, 95:24, 95:25, 96:2, 104:21, 105:19, 107:3</p> <p>car's [2] - 84:21, 86:22</p> <p>card [1] - 45:16</p> <p>care [3] - 137:20, 137:22, 151:1</p> <p>career [3] - 149:23, 150:1, 150:7</p> <p>cars [18] - 75:18, 76:2, 76:5, 76:15, 76:20, 77:8, 79:22, 79:25, 80:3, 80:21, 81:23, 82:3, 82:17, 82:23, 82:24, 83:1, 83:20, 102:6</p> <p>carte [1] - 29:14</p> <p>CARTER [1] - 2:7</p> <p>Case [1] - 1:5</p> <p>case [16] - 6:1, 12:6, 12:10, 12:24, 13:9, 14:23, 15:21, 16:4, 17:23, 44:24, 45:2, 45:5, 48:2, 132:21, 133:18, 162:16</p> <p>Castle [3] - 28:15, 28:17, 28:18</p> <p>CAT [3] - 114:6, 114:8, 114:19</p> <p>catering [3] - 28:19, 29:14, 32:5</p> <p>Caucasian [6] - 105:5, 105:8, 108:16, 111:11, 116:9, 125:21</p> <p>caused [1] - 84:1</p> <p>cautious [1] - 152:25</p> <p>CCRB [6] - 159:16, 159:18, 159:25, 160:2, 160:8, 160:11</p> <p>cease [3] - 41:3, 56:17, 84:1</p> <p>ceased [3] - 24:11, 141:2, 156:11</p> <p>cell [20] - 47:17, 49:21, 101:8, 104:7, 108:6, 108:7, 108:9, 108:13, 108:21, 122:21, 124:10, 124:14, 124:15, 124:17, 124:21, 124:23, 124:24, 126:3, 135:8, 135:10</p> <p>cells [1] - 109:3</p> <p>Central [3] - 123:4, 123:7, 123:16</p> <p>central [11] - 47:21, 49:23, 49:25, 107:12, 121:16, 121:17, 121:19, 122:2, 122:13, 122:23, 126:4</p> <p>certain [5] - 32:15, 142:1, 146:24, 147:6, 161:25</p>	<p>certification [1] - 3:6</p> <p>certify [3] - 164:3, 166:8, 166:13</p> <p>CERTIFY [1] - 164:6</p> <p>chairs [1] - 29:22</p> <p>chance [1] - 6:6</p> <p>change [3] - 64:15, 116:6, 116:7</p> <p>changed [4] - 135:12, 150:1, 150:7, 152:9</p> <p>changes [2] - 6:13, 6:14</p> <p>changing [1] - 146:7</p> <p>characterize [2] - 93:3, 93:19</p> <p>charged [1] - 46:22</p> <p>charges [5] - 125:3, 126:21, 127:3, 127:6, 132:6</p> <p>Chase [11] - 38:11, 38:13, 38:15, 38:20, 39:11, 39:15, 150:3, 150:11, 150:13, 150:16, 150:19</p> <p>check [2] - 151:12, 151:15</p> <p>Chen [1] - 161:14</p> <p>CHEN [2] - 1:7, 2:10</p> <p>child [3] - 15:1, 15:4, 15:7</p> <p>chiropractic [1] - 137:20</p> <p>chiropractor [2] - 137:13, 141:3</p> <p>chronic [1] - 52:14</p> <p>Church [2] - 1:20, 2:13</p> <p>church [2] - 131:23, 131:25</p> <p>circumstances [4] - 46:17, 48:16, 48:23, 94:11</p> <p>citizen [1] - 21:25</p> <p>city [10] - 65:6, 65:7, 65:14, 65:15, 65:16, 66:12, 70:14, 70:22, 70:23, 163:5</p> <p>City [10] - 1:20, 2:18, 12:7, 12:8, 14:16, 27:7, 147:25, 152:13, 163:8, 163:9</p> <p>CITY [3] - 1:7, 2:8, 2:9</p> <p>civil [3] - 12:11, 14:4, 14:8</p> <p>Civil [1] - 1:19</p> <p>Civilian [1] - 159:20</p> <p>civilians [3] - 99:2, 99:7, 109:3</p> <p>claim [3] - 14:12, 14:15, 157:15</p> <p>claimed [1] - 116:23</p> <p>claiming [3] - 152:11, 157:14, 157:24</p>
--	---	---	--

Claims [1] - 14:24 claims [1] - 14:1 clarify [1] - 92:2 clarity's [1] - 53:8 classes [1] - 27:18 classify [2] - 92:5, 92:14 cleaning [2] - 32:17, 149:3 clear [2] - 29:14, 151:19 clearly [2] - 4:22, 17:20 clerk [4] - 42:15, 42:16, 106:18, 107:11 click [1] - 147:14 client [1] - 42:17 cliffs [1] - 147:25 Cliffs [1] - 148:1 climb [2] - 147:20, 147:24 climbing [4] - 146:4, 147:19, 147:22, 149:8 close [2] - 81:23, 131:12 closed [2] - 42:4, 42:9 clothes [2] - 69:8, 69:17 clothing [2] - 119:14, 119:15 Club [1] - 36:9 cold [1] - 63:22 College [9] - 27:5, 27:11, 27:14, 27:18, 27:22, 27:23, 27:25, 28:4, 149:25 college [1] - 27:18 color [1] - 88:5 come [8] - 50:5, 50:11, 74:3, 83:23, 99:4, 123:6, 124:3, 126:20 comes [4] - 41:8, 117:5, 118:4, 162:7 comfortable [4] - 10:14, 117:23, 125:13, 142:21 coming [12] - 20:8, 42:18, 50:9, 73:5, 76:5, 76:20, 76:21, 83:20, 89:7, 95:23, 134:17, 144:3 comment [1] - 6:14 Commission [2] - 14:13, 14:16 Community [4] - 27:5, 27:10, 27:13, 27:17 companies [2] - 32:16 company [6] - 28:18, 28:19, 32:4, 37:2, 45:1, 45:4 complaining [1] - 139:17 Complaint [1] - 159:20 complaint [1] - 160:1 complaints [1] - 159:14 completely [1] - 5:17 concerning [1] - 54:2 concluded [1] - 163:14	concussion [1] - 134:11 condition [4] - 7:3, 7:6, 34:17, 63:9 conducted [1] - 160:11 consciousness [2] - 113:20, 113:23 consider [2] - 65:10, 80:9 considered [1] - 75:11 consist [5] - 40:18, 42:16, 117:3, 121:1, 121:22 consisting [1] - 150:25 construction [2] - 76:19, 79:11 consumed [1] - 11:9 contact [19] - 62:12, 62:14, 62:18, 62:20, 63:2, 85:2, 85:7, 85:13, 85:15, 85:20, 86:8, 86:16, 86:21, 87:6, 88:10, 88:12, 89:1, 89:15, 90:18 contacts [1] - 62:11 contemplation [2] - 48:8, 132:11 continue [2] - 146:14, 149:25 continuing [1] - 145:14 contribute [2] - 44:14, 44:17 contributed [1] - 44:8 contributing [3] - 44:2, 44:4, 44:21 control [3] - 87:16, 90:4, 157:5 Control [1] - 2:15 conversation [6] - 107:22, 117:1, 117:3, 117:6, 117:18, 123:3 conversations [2] - 78:15, 106:15 cook [1] - 60:7 cooking [1] - 149:3 cop [1] - 102:6 copy [2] - 3:10, 3:13 corner [3] - 76:6, 117:13, 131:12 corona [1] - 67:20 Corona [4] - 4:9, 22:20, 68:14, 143:6 Corporate [6] - 38:11, 38:13, 38:15, 38:20, 39:11, 39:16 corporate [4] - 32:11, 32:16, 32:23, 150:21 CORPORATION [1] - 2:8 correct [117] - 6:10, 8:7, 8:9, 8:10, 8:18, 8:19, 8:21, 9:11, 11:4, 13:2,	13:20, 13:24, 13:25, 16:1, 16:5, 16:6, 16:11, 16:12, 19:15, 19:18, 19:24, 21:25, 22:22, 23:10, 23:20, 29:15, 30:2, 30:5, 30:7, 30:13, 30:24, 34:13, 38:8, 38:22, 39:2, 39:6, 39:9, 39:12, 39:14, 40:21, 41:9, 42:12, 42:18, 43:2, 43:9, 44:15, 44:21, 49:12, 51:2, 55:5, 55:8, 55:22, 56:6, 56:11, 57:15, 57:20, 57:21, 60:16, 61:9, 62:17, 66:6, 66:17, 67:7, 68:24, 70:14, 70:19, 72:19, 76:10, 76:21, 77:21, 80:13, 83:5, 84:23, 85:20, 87:1, 87:9, 87:25, 89:7, 89:23, 90:6, 90:14, 92:12, 92:20, 93:11, 93:16, 95:6, 98:22, 106:1, 109:20, 110:4, 120:1, 120:3, 120:21, 125:16, 126:11, 131:7, 132:4, 132:13, 132:22, 133:1, 133:4, 137:1, 138:11, 139:23, 140:10, 141:1, 142:5, 143:3, 143:23, 144:16, 145:2, 150:17, 153:15, 154:24, 159:23, 162:2, 164:7 correction [1] - 6:6 correctional [1] - 51:6 costs [1] - 162:17 couch [1] - 158:8 could [17] - 7:4, 8:24, 10:7, 25:17, 38:12, 58:25, 59:24, 76:3, 95:10, 114:2, 118:2, 140:11, 140:24, 150:22, 151:16, 153:20, 157:5 could've [2] - 90:10, 162:6 couldn't [16] - 17:19, 58:24, 76:4, 92:17, 151:13, 151:14, 151:17, 151:19, 151:22, 154:11, 154:12, 155:22, 155:24, 155:25, 158:7 counsel [2] - 3:5, 3:13 Counsel [5] - 18:2, 18:20, 157:13, 165:9, 165:20 COUNSEL [1] - 2:8 counseling [5] - 46:14, 137:14, 138:23, 154:2, 154:6 counselor [1] - 40:7 counter [2] - 8:20, 123:14	COUNTY [1] - 166:4 couple [2] - 49:10, 50:23 course [2] - 47:2, 161:24 court [8] - 4:19, 4:23, 5:17, 13:15, 48:6, 50:9, 50:12, 50:23 COURT [1] - 1:1 Court [16] - 1:18, 3:10, 14:18, 14:24, 15:16, 46:7, 46:13, 126:13, 127:19, 127:21, 127:25, 128:8, 128:16, 132:4, 133:14, 133:17 courtroom [2] - 5:25, 6:1 coverage [4] - 56:21, 140:7, 140:9, 143:1 covered [2] - 144:9, 158:1 cramp [1] - 158:15 crazy [1] - 158:13 criminal [1] - 132:6 Criminal [2] - 133:14, 133:17 cross [1] - 74:25 crossing [1] - 78:25 cup [1] - 52:10 current [6] - 22:19, 24:9, 31:2, 31:21, 32:19, 35:16 currently [7] - 22:21, 25:12, 28:12, 28:14, 43:20, 59:17, 160:17 custody [2] - 15:1, 51:6 custom [1] - 72:3 CV [1] - 1:5 cycle [1] - 146:14 cyclists [3] - 77:12, 77:14, 77:25
D			
D [4] - 3:1, 4:1, 164:1, 165:11 d'oeuvres [2] - 29:11, 146:21 daily [1] - 43:21 damage [3] - 58:4, 114:11 DATE [1] - 1:13 date [6] - 21:13, 21:16, 25:20, 67:25, 154:25, 161:5 day [48] - 8:5, 33:9, 37:25, 42:23, 47:20, 57:2, 57:3, 60:4, 64:5, 64:8, 64:12, 64:16, 64:20, 64:24, 65:1, 65:21, 66:3, 66:8, 66:11, 67:1, 68:21, 69:4, 69:21, 69:25, 72:2, 72:6, 72:15, 72:19, 115:23, 126:6, 128:3,			

<p>128:4, 129:12, 130:17, 130:19, 141:14, 141:18, 141:20, 148:11, 148:17, 149:6, 149:18, 155:7, 164:16, 166:18</p> <p>day-to-day [2] - 60:4, 149:6</p> <p>days [13] - 3:12, 8:12, 8:13, 16:3, 30:6, 33:6, 33:8, 37:22, 37:24, 42:20, 130:11, 151:3</p> <p>daze [3] - 91:9, 113:20, 147:4</p> <p>dazed [3] - 91:10, 94:23, 104:1</p> <p>defend [1] - 153:9</p> <p>defendant [1] - 14:4</p> <p>Defendant [1] - 1:18</p> <p>Defendant's [1] - 68:2</p> <p>DEFENDANTS [1] - 1:10</p> <p>Defendants [1] - 2:9</p> <p>defendants [4] - 4:13, 4:16, 162:17, 162:18</p> <p>DEFENDANTS' [1] - 165:3</p> <p>defending [1] - 162:18</p> <p>degree [2] - 142:1, 142:2</p> <p>delay [1] - 107:12</p> <p>denied [1] - 117:7</p> <p>Department [4] - 1:20, 2:18, 152:13, 163:9</p> <p>DEPARTMENT [1] - 2:8</p> <p>depend [1] - 29:7</p> <p>deposed [1] - 11:15</p> <p>deposition [22] - 3:6, 3:7, 3:11, 4:13, 4:16, 4:17, 4:23, 5:22, 6:4, 6:10, 6:23, 10:15, 11:17, 11:19, 12:2, 18:4, 18:18, 18:23, 19:1, 19:8, 19:16, 161:24</p> <p>DEPOSITION [1] - 1:17</p> <p>depressed [1] - 94:12</p> <p>depression [3] - 63:5, 63:8, 152:5</p> <p>describe [21] - 10:1, 26:23, 32:12, 38:12, 38:18, 58:25, 59:3, 59:16, 59:20, 59:25, 64:5, 74:21, 75:9, 76:3, 76:17, 79:18, 80:6, 95:10, 152:15, 153:19, 155:23</p> <p>described [3] - 94:19, 153:13, 156:5</p> <p>description [1] - 151:2</p> <p>DESCRIPTION [1] - 165:6</p> <p>desk [4] - 106:18, 107:10, 108:5</p>	<p>detail [1] - 157:6</p> <p>detained [3] - 47:17, 47:19, 48:18</p> <p>device [1] - 73:1</p> <p>diagnose [4] - 52:22, 53:24, 139:12, 139:25</p> <p>diagnosed [2] - 52:16, 63:8</p> <p>diagnosis [7] - 9:21, 54:2, 55:24, 58:2, 114:1, 114:3, 114:15</p> <p>diagonal [2] - 87:21, 87:22</p> <p>did [58] - 16:16, 16:19, 20:4, 24:1, 44:16, 48:21, 53:4, 53:24, 54:2, 54:5, 56:7, 61:20, 64:14, 66:8, 67:14, 74:15, 76:5, 80:3, 82:16, 82:24, 83:23, 84:1, 86:15, 93:23, 96:7, 96:11, 97:8, 100:2, 100:17, 101:14, 102:8, 102:25, 103:4, 106:25, 108:22, 112:1, 114:8, 115:22, 116:5, 122:16, 126:10, 127:13, 131:22, 132:6, 132:18, 135:23, 136:25, 139:5, 139:25, 141:5, 142:17, 143:25, 145:10, 145:23, 156:16, 156:22, 158:17, 162:4</p> <p>did he [5] - 52:22, 53:1, 54:8, 111:13, 119:16</p> <p>did it [7] - 84:24, 85:2, 97:14, 97:18, 106:22, 111:17, 112:19</p> <p>did she [5] - 74:25, 129:10, 139:12, 139:14, 139:16</p> <p>did they [20] - 58:5, 96:7, 97:12, 98:8, 98:16, 99:4, 100:20, 101:3, 102:9, 103:22, 106:3, 106:5, 106:13, 120:17, 121:24, 123:21, 125:17, 137:11, 141:11, 141:16</p> <p>did you [188] - 7:24, 8:13, 9:14, 10:23, 13:13, 14:1, 18:3, 18:17, 18:22, 19:3, 19:6, 20:7, 26:6, 26:8, 26:10, 26:18, 26:20, 27:4, 27:10, 27:25, 28:4, 33:6, 33:19, 34:16, 35:14, 38:3, 38:23, 40:23, 41:1, 41:3, 41:20, 42:3, 42:7, 43:6, 47:5, 47:9, 47:25, 48:6, 49:17, 50:9, 50:11, 50:24, 53:14, 53:17, 56:2, 56:17, 56:19, 57:7, 57:17, 57:22, 58:2, 58:18, 64:24,</p>	<p>67:3, 69:9, 69:11, 69:14, 69:16, 69:19, 69:21, 71:1, 71:15, 71:19, 72:6, 72:21, 73:15, 73:22, 74:5, 74:10, 75:17, 75:21, 75:25, 77:8, 77:11, 77:14, 77:25, 78:3, 78:5, 78:7, 79:3, 79:6, 79:9, 79:12, 79:15, 80:24, 85:22, 87:20, 88:7, 88:18, 88:21, 90:8, 90:9, 90:16, 91:12, 94:15, 94:20, 95:25, 96:2, 96:14, 96:18, 96:22, 96:24, 97:6, 98:3, 102:7, 102:16, 102:19, 103:24, 104:12, 105:17, 106:7, 106:15, 107:2, 108:1, 108:24, 109:2, 109:15, 110:11, 110:17, 110:19, 111:15, 111:20, 113:11, 116:10, 116:12, 116:15, 116:18, 117:1, 117:8, 118:14, 118:25, 119:4, 119:6, 120:5, 120:14, 122:10, 122:22, 123:3, 123:16, 124:1, 124:3, 124:19, 125:10, 126:4, 126:7, 127:12, 127:18, 127:21, 127:25, 128:13, 129:1, 129:12, 129:13, 129:15, 129:22, 130:3, 130:5, 130:8, 130:12, 130:20, 130:23, 133:9, 133:15, 133:25, 134:8, 136:2, 136:5, 137:19, 138:2, 138:4, 138:12, 139:3, 140:6, 142:13, 143:16, 144:2, 147:19, 148:12, 148:14, 154:5, 159:4, 159:10, 159:13, 159:16, 159:25, 160:2, 160:8</p> <p>didn't [27] - 28:1, 41:4, 56:21, 58:23, 74:14, 85:25, 86:3, 91:10, 96:13, 96:15, 97:5, 97:6, 97:9, 97:11, 103:23, 104:23, 113:16, 113:21, 125:13, 125:14, 125:24, 140:13, 154:9, 158:17, 158:18, 161:25</p> <p>different [2] - 32:20, 131:6</p> <p>difficult [5] - 60:8, 146:25, 147:5, 148:7, 149:5</p> <p>dinner [3] - 9:14, 65:10, 67:4</p> <p>direct [1] - 74:12</p> <p>directed [1] - 144:5</p> <p>direction [3] - 77:18,</p>	<p>83:21, 126:24</p> <p>directions [1] - 80:12</p> <p>directly [6] - 31:9, 31:15, 119:4, 128:18, 131:14, 131:19</p> <p>dirty [1] - 29:10</p> <p>disability [2] - 43:15, 43:18</p> <p>discharged [1] - 112:16</p> <p>discuss [3] - 93:23, 139:7, 154:5</p> <p>discussed [17] - 17:3, 17:7, 17:10, 19:25, 36:24, 54:3, 54:14, 61:5, 61:7, 63:13, 93:21, 121:7, 153:22, 157:14, 157:22, 157:24, 162:13</p> <p>discussing [1] - 117:16</p> <p>disk [2] - 134:9, 142:21</p> <p>dismissal [2] - 48:9, 132:12</p> <p>dismissed [5] - 48:3, 48:4, 48:7, 48:13, 132:21</p> <p>distance [1] - 81:25</p> <p>district [2] - 34:7, 41:16</p> <p>DISTRICT [2] - 1:1, 1:1</p> <p>divide [1] - 125:2</p> <p>divided [1] - 125:3</p> <p>dividing [1] - 82:6</p> <p>dizziness [4] - 10:3, 53:10, 94:23, 158:2</p> <p>do [29] - 4:18, 4:19, 5:1, 5:5, 5:12, 5:13, 32:10, 41:7, 65:7, 66:13, 70:16, 73:16, 101:4, 107:11, 117:8, 122:10, 123:21, 128:16, 135:20, 144:20, 145:25, 146:1, 148:22, 148:25, 150:12, 153:2, 153:4, 153:19, 166:8</p> <p>do you [300] - 4:20, 4:24, 5:2, 5:7, 5:10, 5:13, 5:18, 5:21, 5:24, 6:7, 6:11, 6:14, 6:19, 6:23, 7:3, 7:6, 7:18, 7:22, 8:2, 8:4, 8:15, 9:2, 9:6, 9:8, 9:16, 9:18, 10:8, 10:14, 11:22, 12:22, 12:24, 13:9, 13:21, 16:21, 16:23, 17:9, 18:9, 20:18, 20:22, 21:4, 21:8, 22:4, 22:6, 22:9, 22:12, 22:17, 23:2, 23:24, 24:11, 24:14, 24:17, 24:20, 24:22, 25:4, 25:12, 26:4, 28:14, 29:5, 29:22, 29:24, 30:10, 30:14, 30:18, 31:11, 31:13, 31:21, 33:17, 33:21, 33:23, 34:6, 34:18, 34:20, 35:3, 35:7, 35:9, 35:11, 37:7, 37:10, 37:13,</p>
---	--	---	--

<p>39:15, 40:8, 40:11, 42:5, 42:20, 42:23, 43:3, 43:20, 43:22, 43:24, 44:4, 44:14, 44:16, 46:3, 46:5, 46:22, 46:25, 48:2, 48:4, 48:11, 48:19, 49:13, 50:14, 50:18, 50:20, 51:13, 51:20, 51:22, 51:24, 52:6, 52:9, 52:14, 53:20, 53:22, 54:18, 55:18, 55:23, 56:23, 57:1, 57:25, 58:9, 58:12, 58:15, 59:22, 60:12, 60:23, 62:10, 62:20, 62:23, 63:5, 63:19, 63:21, 64:8, 64:12, 64:14, 64:16, 64:20, 65:18, 65:20, 65:23, 66:8, 66:14, 66:19, 66:25, 67:9, 67:13, 67:15, 67:21, 68:2, 68:7, 68:10, 69:1, 69:3, 70:10, 70:17, 71:5, 71:12, 72:1, 72:4, 76:23, 77:1, 78:9, 78:12, 78:14, 79:22, 79:25, 80:21, 81:10, 82:22, 83:1, 83:7, 83:13, 83:17, 83:19, 84:8, 84:10, 84:12, 84:15, 85:4, 85:10, 86:13, 86:18, 88:2, 88:5, 88:9, 88:15, 89:9, 93:4, 94:13, 94:17, 95:8, 95:14, 95:17, 95:23, 96:16, 97:4, 97:20, 97:25, 98:10, 98:13, 98:19, 99:2, 99:10, 99:24, 100:2, 100:4, 100:22, 101:6, 101:9, 101:12, 102:2, 102:5, 102:21, 103:12, 103:17, 104:10, 104:24, 105:1, 105:3, 105:14, 105:19, 105:22, 107:15, 108:7, 108:15, 109:9, 109:12, 109:17, 109:22, 110:7, 111:4, 111:10, 112:3, 112:7, 112:25, 113:6, 113:13, 113:22, 114:19, 115:1, 115:4, 115:20, 115:24, 116:8, 116:21, 118:17, 119:8, 119:12, 119:20, 120:12, 121:5, 122:8, 123:11, 123:23, 125:19, 126:17, 126:21, 127:2, 127:5, 127:23, 128:3, 128:7, 129:5, 131:9, 131:17, 132:14, 132:16, 132:23, 133:11, 134:16, 134:23, 135:14, 137:16, 137:25, 140:15, 141:18, 141:25, 142:11, 143:11, 148:8, 149:7, 149:12, 151:3, 155:14,</p>	<p>156:9, 156:20, 157:4, 158:24, 159:1, 159:18, 160:4, 160:6, 160:11, 160:14, 161:7, 161:10, 161:12, 162:20, 162:23, 163:5, 163:8 doctor [8] - 9:21, 9:22, 53:4, 55:16, 55:18, 123:16, 137:23, 159:7 doctors [3] - 113:7, 136:23, 159:10 document [1] - 68:7 DOCUMENTS [2] - 165:17, 165:18 documents [3] - 19:6, 20:18, 20:23 DOE [2] - 1:8, 2:11 Doe [2] - 1:9, 2:11 does [10] - 32:10, 40:18, 41:7, 42:16, 45:1, 45:4, 59:13, 60:18, 61:4, 61:13 does it [3] - 29:7, 60:10, 61:3 does that [3] - 60:4, 60:22, 60:24 doesn't [1] - 150:23 doing [5] - 42:14, 60:24, 87:16, 149:14, 150:19 don't [181] - 5:13, 8:16, 9:3, 9:20, 11:16, 11:23, 12:21, 12:23, 13:10, 14:14, 14:17, 16:20, 17:24, 22:11, 23:23, 23:25, 24:19, 30:19, 30:22, 31:4, 33:16, 34:19, 34:22, 35:6, 37:14, 39:17, 41:14, 41:21, 44:1, 44:13, 45:6, 45:8, 45:14, 45:17, 46:2, 46:6, 46:24, 47:8, 47:22, 47:24, 48:1, 48:5, 48:14, 49:14, 50:13, 50:19, 50:25, 53:6, 54:4, 55:6, 55:17, 55:19, 56:25, 57:13, 58:8, 58:11, 58:14, 59:3, 60:3, 62:2, 62:13, 63:12, 63:18, 64:9, 64:11, 65:19, 65:24, 66:24, 67:10, 67:12, 71:4, 71:7, 71:20, 75:7, 75:11, 78:19, 79:24, 80:2, 80:19, 81:22, 82:23, 82:25, 83:3, 83:8, 83:11, 83:22, 86:14, 86:19, 88:17, 89:10, 90:24, 91:13, 94:3, 96:3, 96:9, 96:10, 96:15, 96:17, 96:21, 98:18, 98:20, 99:9, 99:23, 100:3, 100:8, 100:21, 100:23, 101:8, 102:8, 102:10, 104:1, 105:16, 107:8, 107:25,</p>	<p>108:12, 108:23, 109:14, 109:16, 112:5, 112:8, 113:7, 113:8, 113:12, 114:2, 114:3, 114:9, 114:13, 114:15, 114:16, 114:18, 115:19, 115:21, 116:13, 116:22, 118:16, 118:18, 119:2, 119:13, 120:13, 123:22, 125:18, 126:18, 127:1, 127:9, 127:24, 128:15, 129:11, 130:7, 130:25, 135:10, 135:25, 136:16, 139:2, 139:11, 139:21, 140:2, 140:7, 141:14, 141:24, 143:1, 145:24, 152:3, 152:16, 152:17, 152:20, 152:25, 153:7, 153:19, 153:20, 157:7, 158:21, 159:9, 160:1, 160:5, 160:10, 161:2, 161:5, 161:18 done [3] - 32:18, 143:19, 144:19 door [2] - 158:8, 158:9 doors [2] - 84:8, 85:12 dosage [3] - 7:22, 8:15, 9:2 double [3] - 80:16, 80:20, 82:9 down [15] - 29:24, 42:4, 80:25, 84:20, 88:22, 89:22, 100:14, 101:3, 134:15, 134:18, 146:7, 146:8, 146:9, 146:18, 147:10 downhill [1] - 80:8 Dr [22] - 8:23, 9:22, 9:24, 10:2, 10:9, 52:20, 53:14, 53:23, 53:24, 54:2, 54:5, 54:16, 54:20, 55:3, 55:10, 136:14, 139:22, 139:25, 145:17, 145:18, 145:20, 145:23 draw [1] - 68:6 dressed [1] - 66:7 drifting [1] - 87:18 drink [4] - 51:20, 52:2, 52:6, 52:7 drinks [1] - 150:25 drive [1] - 82:24 driver's [8] - 24:22, 25:4, 25:7, 25:12, 25:16, 26:5, 26:6, 104:14 driving [5] - 80:11, 80:17, 83:12, 83:16, 83:19 drowsiness [1] - 57:11 drug [2] - 51:13, 51:16 drugs [4] - 11:12, 51:18, 61:24, 62:3</p>	<p>due [2] - 34:17, 48:25 duly [3] - 4:2, 164:3, 166:10 during [19] - 5:22, 6:4, 14:2, 17:12, 17:13, 21:11, 23:12, 34:1, 47:2, 49:21, 64:10, 71:24, 107:21, 112:25, 127:25, 132:18, 138:9, 139:7, 161:24 duties [2] - 29:9, 32:12 Dynasty [8] - 136:10, 143:2, 143:5, 143:7, 143:9, 143:13, 144:15, 145:19 dynasty [1] - 136:11</p>
E			
<p>E [13] - 2:1, 3:1, 4:1, 9:1, 163:4, 164:1, 165:1, 165:11, 166:1 e [5] - 20:10, 20:11, 20:15, 151:11 e-mail [1] - 151:11 e-mailed [4] - 20:10, 20:11, 20:15 earlier [31] - 6:5, 10:17, 13:23, 19:16, 25:2, 30:1, 36:25, 40:13, 52:19, 53:7, 59:23, 60:15, 67:6, 70:13, 89:6, 92:2, 95:5, 102:11, 103:14, 103:20, 109:19, 119:18, 131:1, 132:3, 134:3, 134:21, 145:5, 148:4, 150:15, 152:6, 154:2 early [3] - 111:11, 148:20, 159:10 earnings [2] - 157:14, 157:15 EASTERN [1] - 1:1 eat [4] - 65:10, 65:18, 66:10, 66:15 eaten [1] - 9:12 education [2] - 26:21, 28:5 educational [2] - 27:14, 27:21 effect [2] - 3:9, 3:11 effects [1] - 57:10 efficiency [1] - 146:17 efficient [2] - 146:4, 146:15 efforts [1] - 98:14 eight [3] - 33:11, 42:25 either [7] - 16:14, 82:9, 96:11, 108:1, 133:20, 159:7, 160:22 elbow [9] - 90:20, 90:23, 90:24, 91:20, 93:14,</p>			

<p>93:16, 110:20, 110:21, 110:22</p> <p>elbows [2] - 90:23, 93:11</p> <p>electrifying [1] - 158:10</p> <p>electronically [1] - 135:15</p> <p>Elefterakis [3] - 18:20, 18:25, 19:3</p> <p>ELEFTERAKIS [2] - 2:3</p> <p>elena [1] - 31:12</p> <p>Elena [1] - 31:15</p> <p>Elena's [1] - 31:13</p> <p>Elmhurst [5] - 111:16, 111:17, 112:10, 114:21, 136:1</p> <p>else [84] - 10:18, 11:25, 13:16, 15:14, 17:7, 17:13, 18:15, 18:18, 18:22, 19:12, 20:2, 23:11, 23:14, 24:9, 27:18, 27:21, 29:12, 35:20, 35:22, 35:24, 36:2, 36:4, 36:8, 36:10, 52:24, 54:24, 57:12, 59:2, 61:1, 63:23, 66:8, 69:12, 69:19, 79:9, 80:17, 84:25, 91:21, 106:5, 107:21, 107:24, 108:24, 110:11, 110:13, 110:15, 110:23, 111:24, 112:23, 113:15, 113:18, 115:7, 115:13, 115:15, 115:17, 116:15, 116:18, 117:12, 118:23, 121:3, 122:16, 122:19, 123:17, 124:17, 126:25, 129:5, 129:13, 129:20, 129:25, 134:10, 136:7, 136:9, 136:13, 136:15, 136:18, 138:20, 139:10, 139:20, 141:16, 145:23, 146:11, 147:1, 147:9, 147:17, 163:5, 163:8</p> <p>elsewhere [1] - 55:21</p> <p>emergency [3] - 79:3, 112:13, 112:14</p> <p>emotional [3] - 152:11, 152:15, 153:17</p> <p>emotionally [1] - 153:21</p> <p>employed [7] - 28:10, 28:12, 29:1, 31:25, 32:2, 32:6, 35:17</p> <p>employer [2] - 34:2, 34:4</p> <p>EMS [3] - 110:2, 110:3, 112:1</p> <p>EMT [2] - 110:3, 111:5</p> <p>end [5] - 50:9, 121:14, 142:8, 153:7, 156:16</p> <p>ended [2] - 104:20, 156:17</p> <p>energetic [1] - 64:21</p> <p>energy [1] - 87:18</p>	<p>English [1] - 6:21</p> <p>enjoy [1] - 148:20</p> <p>Enrique [1] - 1:21</p> <p>ENRIQUE [2] - 166:7, 166:21</p> <p>enter [2] - 127:12, 127:13</p> <p>entire [4] - 23:8, 29:17, 112:21, 116:2</p> <p>entirely [1] - 163:3</p> <p>epidural [1] - 142:14</p> <p>epidurals [2] - 142:17, 142:23</p> <p>episode [1] - 158:22</p> <p>errors [1] - 6:10</p> <p>escort [1] - 106:25</p> <p>escorting [1] - 116:14</p> <p>Esq [1] - 2:17</p> <p>ESQ [3] - 2:5, 2:7, 2:14</p> <p>essentially [1] - 33:1</p> <p>even [4] - 5:24, 60:7, 152:21, 156:1</p> <p>events [5] - 19:7, 20:1, 20:11, 20:16, 32:24</p> <p>eventually [14] - 47:23, 48:13, 49:3, 49:6, 50:2, 50:16, 109:6, 116:7, 117:20, 119:25, 120:3, 126:13, 132:6, 153:8</p> <p>ever [96] - 11:15, 11:17, 12:3, 12:10, 12:13, 13:11, 13:13, 14:4, 14:7, 14:10, 14:12, 14:15, 14:18, 14:21, 14:23, 15:1, 15:4, 15:7, 15:10, 15:13, 15:16, 15:18, 16:25, 17:3, 17:6, 17:12, 21:1, 21:8, 23:14, 24:6, 24:9, 25:7, 25:10, 26:14, 26:16, 28:8, 28:10, 30:14, 31:18, 34:11, 35:17, 35:20, 39:21, 39:24, 43:10, 43:15, 43:18, 45:7, 45:9, 45:11, 45:13, 45:15, 45:18, 45:23, 46:7, 46:10, 46:13, 47:11, 47:25, 48:6, 49:23, 50:24, 51:6, 51:9, 51:11, 51:16, 51:18, 52:11, 52:16, 53:14, 56:2, 56:19, 58:18, 59:5, 60:10, 63:8, 63:11, 63:14, 92:3, 94:4, 94:7, 94:16, 102:7, 102:9, 113:25, 118:14, 119:22, 121:24, 127:18, 127:25, 130:8, 134:20, 135:20, 154:17, 154:20, 159:7</p> <p>every [10] - 8:5, 8:6, 9:10, 41:8, 57:2, 137:21, 138:3, 147:11, 147:23, 149:18</p> <p>everyday [1] - 148:11</p> <p>everything [3] - 32:15,</p>	<p>36:12, 158:1</p> <p>everywhere [1] - 150:21</p> <p>evicted [1] - 24:6</p> <p>exactly [4] - 9:20, 94:13, 94:24, 160:1</p> <p>Examination [1] - 163:13</p> <p>EXAMINATION [2] - 4:4, 165:13</p> <p>examination [4] - 114:4, 123:21, 166:9, 166:11</p> <p>examined [1] - 4:3</p> <p>except [1] - 3:16</p> <p>exercises [1] - 138:13</p> <p>exhibit [1] - 59:17</p> <p>EXHIBIT [2] - 165:5</p> <p>Exhibit A [2] - 67:24, 68:2</p> <p>EXHIBITS [1] - 165:3</p> <p>Exhibits [1] - 165:9</p> <p>exist [1] - 135:7</p> <p>existence [1] - 84:21</p> <p>exit [2] - 95:25, 96:2</p> <p>expedite [1] - 39:24</p> <p>expediter [3] - 37:6, 41:6, 41:7</p> <p>expelled [1] - 26:16</p> <p>expenses [3] - 43:20, 43:21, 140:12</p> <p>experience [5] - 94:9, 94:21, 148:10, 152:21, 158:22</p> <p>experienced [4] - 94:4, 94:7, 107:20, 154:17</p> <p>experiencing [14] - 10:5, 58:21, 59:7, 91:18, 91:23, 92:5, 92:8, 92:11, 92:19, 93:11, 93:13, 93:23, 93:25, 95:1</p> <p>explain [4] - 92:1, 94:24, 155:23, 157:8</p> <p>explode [2] - 157:3, 157:4</p> <p>extent [1] - 135:6</p> <p>extra [1] - 69:17</p> <p>eyes [5] - 52:23, 53:2, 53:5, 53:25, 134:11</p>	<p>falling [1] - 89:18</p> <p>falls [1] - 153:1</p> <p>familiar [2] - 161:13, 161:16</p> <p>Family [1] - 14:18</p> <p>family [4] - 16:22, 128:13, 128:15</p> <p>far [14] - 63:1, 70:4, 70:8, 76:23, 77:1, 81:21, 82:3, 82:13, 86:10, 86:15, 121:8, 131:9, 131:25, 157:19</p> <p>farsighted [1] - 62:25</p> <p>fashion [1] - 30:8</p> <p>fast [7] - 61:2, 84:12, 86:19, 88:17, 89:5, 96:3, 97:8</p> <p>faster [1] - 84:14</p> <p>father [1] - 23:16</p> <p>February [1] - 142:10</p> <p>Federal [1] - 1:19</p> <p>fee [4] - 17:16, 17:22, 18:1, 165:19</p> <p>feel [27] - 10:14, 60:8, 88:18, 88:21, 92:17, 92:22, 94:17, 113:16, 125:13, 134:17, 141:21, 142:21, 145:10, 146:15, 147:7, 147:13, 147:15, 148:15, 152:3, 152:16, 152:24, 153:8, 153:10, 153:12, 153:18, 155:25, 158:6</p> <p>feeling [14] - 59:18, 59:21, 64:20, 92:1, 93:9, 94:4, 94:12, 94:15, 94:19, 146:18, 153:24, 158:10, 158:14</p> <p>feelings [7] - 153:14, 153:22, 154:5, 154:11, 154:14, 154:17, 154:21</p> <p>feels [1] - 59:25</p> <p>feet [8] - 29:16, 82:4, 82:12, 86:12, 86:13, 131:11, 132:2</p> <p>fell [4] - 13:6, 89:17, 89:20, 96:20</p> <p>felt [19] - 63:11, 86:6, 92:18, 92:24, 92:25, 106:8, 110:8, 117:17, 117:23, 133:24, 134:4, 139:8, 139:19, 150:9, 158:6, 158:10, 158:13, 158:14, 158:19</p> <p>female [14] - 30:25, 31:1, 105:10, 109:23, 111:6, 112:3, 119:10, 123:23, 123:24, 125:20, 153:10, 153:11, 155:11</p> <p>fender [3] - 88:11, 88:13,</p>
F			
<p>F [2] - 3:1, 166:1</p> <p>face [8] - 86:23, 89:17, 89:20, 95:20, 100:14, 100:15, 102:12, 111:22</p> <p>Facebook [5] - 160:18, 160:19, 160:22, 160:24, 161:1</p> <p>factual [2] - 127:2, 127:5</p> <p>fair [2] - 55:9, 145:9</p> <p>fall [3] - 132:17, 153:20, 158:15</p>			

<p>89:16 Fett [1] - 16:5 fett [5] - 16:8, 16:14, 16:17, 16:19, 17:1 few [8] - 16:3, 16:15, 25:23, 49:20, 50:1, 86:12, 132:2, 136:16 fictitious [2] - 1:9, 2:12 file [2] - 159:13, 159:16 File [1] - 2:14 filed [4] - 14:10, 14:12, 14:15, 159:23 filing [1] - 3:6 Fin [7] - 35:25, 36:1, 36:16, 39:25, 40:14, 41:15 financial [1] - 157:10 find [4] - 6:11, 16:21, 54:20, 74:22 finding [1] - 74:18 fine [1] - 21:20 fingerprints [1] - 121:2 fingers [1] - 146:19 finish [1] - 5:16 firm [1] - 146:12 first [33] - 4:2, 6:21, 10:2, 16:2, 16:7, 16:14, 25:25, 45:25, 46:16, 53:11, 54:16, 55:9, 55:15, 66:2, 72:9, 84:18, 85:5, 90:19, 97:11, 102:12, 117:9, 118:3, 122:21, 122:22, 124:15, 125:5, 125:7, 142:7, 143:9, 153:22, 160:24, 161:21, 164:3 five [23] - 19:5, 23:24, 33:11, 42:8, 42:22, 46:5, 50:14, 63:19, 63:25, 70:5, 70:6, 71:21, 71:23, 89:13, 102:15, 104:16, 106:23, 119:7, 125:23, 127:22, 132:4, 137:24, 139:4 five-minute [1] - 63:25 flashing [2] - 79:6, 83:13 floor [11] - 49:5, 90:8, 90:10, 90:25, 99:20, 100:11, 100:12, 100:15, 100:16, 100:17, 151:1 flu [1] - 63:22 Flushing [2] - 26:11, 26:13 flying [7] - 84:19, 86:22, 87:1, 87:4, 87:7, 87:20 focus [2] - 147:4, 147:6 focused [1] - 152:3 focusing [1] - 147:3 following [3] - 127:18, 128:4, 136:2 follows [1] - 4:3 food [14] - 29:10, 29:24,</p>	<p>32:14, 37:6, 40:17, 40:18, 40:19, 41:8, 41:24, 42:2, 43:21, 43:25, 45:9 foot [4] - 134:15, 134:19, 146:6, 146:9 football [1] - 13:8 for [140] - 2:3, 2:9, 3:5, 3:13, 4:6, 4:13, 4:14, 4:15, 4:17, 5:16, 8:14, 9:17, 9:18, 10:24, 11:1, 11:2, 14:10, 16:25, 17:25, 18:3, 18:13, 19:4, 19:7, 21:16, 21:17, 25:18, 26:23, 37:8, 37:11, 38:8, 38:13, 38:15, 39:2, 39:19, 39:25, 41:1, 42:7, 43:18, 47:19, 48:18, 49:7, 49:8, 49:9, 49:19, 49:25, 51:16, 52:11, 53:5, 53:8, 53:15, 53:17, 54:10, 56:13, 56:15, 56:16, 58:13, 61:20, 62:4, 66:21, 66:23, 67:3, 67:24, 71:8, 71:12, 73:9, 73:20, 74:1, 74:8, 76:4, 90:10, 90:24, 94:15, 102:14, 102:20, 103:14, 103:17, 104:16, 106:1, 107:10, 107:14, 108:9, 108:21, 109:17, 111:22, 112:14, 112:19, 114:6, 114:10, 114:15, 117:5, 119:6, 121:12, 123:5, 123:7, 123:19, 124:15, 125:22, 126:5, 126:10, 127:2, 127:5, 135:3, 135:20, 136:2, 136:16, 136:20, 137:12, 138:3, 138:4, 138:7, 139:5, 140:16, 140:20, 141:11, 141:16, 141:21, 142:14, 143:8, 143:19, 144:10, 146:21, 148:7, 148:17, 149:5, 149:14, 150:5, 150:6, 150:12, 150:19, 151:14, 153:11, 154:8, 155:5, 155:7, 159:18, 160:9, 162:17, 166:7 force [1] - 3:11 Ford [1] - 84:11 foregoing [1] - 164:6 forgot [2] - 159:19, 160:16 forgotten [1] - 162:6 form [1] - 3:16 formal [2] - 27:20, 28:5 forms [1] - 4:15 Forrest [17] - 32:3, 34:10, 34:14, 34:16, 34:18, 34:20, 34:25, 35:4, 35:13, 35:16, 35:20,</p>	<p>37:16, 37:18, 38:16, 39:7, 40:24, 41:18 forrest [3] - 34:9, 38:6, 38:19 forth [1] - 166:10 forward [9] - 10:14, 86:23, 87:1, 87:19, 89:17, 89:20, 95:20, 100:14 found [1] - 49:2 four [4] - 21:18, 33:8, 82:4, 84:9 frames [1] - 36:3 Frames [10] - 36:18, 39:25, 40:21, 40:23, 41:1, 41:3, 41:5, 41:10, 41:17, 41:20 Friday [1] - 151:5 friend [4] - 16:22, 54:21, 137:5, 144:8 friends [2] - 128:13, 152:17 from [82] - 12:2, 16:3, 18:17, 18:21, 20:12, 20:14, 24:6, 24:8, 26:14, 26:16, 27:13, 27:17, 27:24, 28:4, 35:16, 35:19, 35:24, 36:1, 36:4, 36:8, 36:10, 48:25, 53:2, 53:9, 56:1, 58:15, 59:3, 60:24, 62:5, 63:13, 64:5, 66:7, 69:11, 70:4, 73:22, 74:5, 74:10, 82:3, 85:17, 86:10, 88:22, 91:20, 92:10, 94:19, 95:3, 95:19, 95:23, 99:25, 101:6, 114:19, 115:2, 116:14, 117:20, 118:22, 119:3, 123:6, 124:3, 124:11, 124:18, 128:10, 131:9, 131:15, 131:25, 133:20, 134:13, 134:17, 134:21, 136:1, 136:5, 144:15, 149:7, 150:21, 151:11, 155:20, 156:4, 158:1, 158:2, 158:8, 158:18, 158:19, 160:8 front [4] - 77:15, 85:19, 88:11, 89:16 froze [1] - 158:11 frustrate [1] - 157:3 frustrating [1] - 156:3 frustrations [1] - 157:8 full [5] - 5:18, 38:21, 76:19, 151:5 full-time [1] - 38:21 fully [2] - 32:13, 153:8 FURTHER [2] - 3:15, 164:6 further [2] - 163:11, 166:13</p>	<p>G G [1] - 4:1 Gabriel [1] - 16:5 gas [1] - 43:21 gave [11] - 8:22, 19:17, 25:2, 58:10, 59:23, 114:15, 123:10, 123:11, 124:6, 144:22, 164:4 generally [4] - 64:22, 82:19, 133:24, 141:22 george [1] - 54:23 get [27] - 26:2, 27:23, 39:6, 60:10, 72:5, 72:7, 73:24, 74:12, 75:17, 75:19, 75:21, 75:25, 76:5, 97:17, 103:11, 106:22, 108:5, 111:17, 112:9, 118:10, 120:7, 121:17, 129:22, 147:7, 152:18, 152:23, 158:16 getting [16] - 28:4, 65:16, 66:7, 86:11, 91:12, 91:15, 98:25, 107:2, 109:19, 125:3, 126:3, 129:7, 129:15, 130:14, 144:4, 158:11 give [20] - 4:17, 4:18, 6:5, 6:6, 13:13, 20:4, 21:21, 25:15, 25:20, 53:1, 53:4, 54:2, 60:6, 74:15, 74:25, 120:17, 121:14, 125:17, 146:14, 155:12 given [8] - 39:10, 49:7, 58:16, 114:1, 114:5, 120:9, 164:7, 166:11 giving [1] - 38:19 glasses [1] - 62:10 glute [1] - 147:11 go [40] - 8:5, 47:25, 49:17, 50:23, 56:19, 65:6, 65:18, 66:5, 66:15, 69:15, 70:14, 70:18, 73:15, 73:22, 74:5, 74:10, 87:20, 101:3, 106:6, 111:15, 120:5, 129:13, 129:22, 130:3, 130:5, 130:13, 132:4, 138:4, 141:21, 142:13, 143:9, 144:2, 144:5, 147:4, 147:22, 149:21, 151:13, 151:17, 151:25, 152:8 goals [3] - 149:23, 150:1, 150:7 goes [3] - 6:1, 158:6, 162:16 going [39] - 4:16, 10:14, 21:17, 27:17, 65:7, 65:13, 65:15, 65:18, 66:11, 67:6, 70:22, 76:9, 77:23, 77:25,</p>
---	---	--	---

80:11, 83:9, 83:17, 84:12, 87:4, 91:11, 104:2, 107:12, 113:21, 126:24, 135:3, 136:1, 137:6, 139:18, 140:3, 140:6, 142:7, 142:9, 144:11, 150:20, 151:2, 152:24, 153:7, 158:9, 158:18 gold [1] - 107:19 golzad [2] - 8:23, 9:22 Golzad [6] - 9:24, 10:2, 10:9, 52:20, 53:14, 55:10 Golzad's [2] - 136:14, 144:14 good [3] - 4:10, 4:11, 113:16 got [39] - 25:23, 27:22, 70:10, 71:5, 71:10, 75:7, 75:10, 75:14, 75:18, 75:20, 77:4, 78:20, 78:23, 80:24, 84:5, 84:19, 91:9, 91:14, 91:16, 96:3, 100:7, 107:9, 110:10, 114:13, 117:22, 120:23, 120:25, 121:16, 121:21, 122:13, 122:20, 124:14, 124:21, 130:2, 151:11, 153:25, 154:13, 158:7 gotten [3] - 152:5, 154:14, 154:16 grab [3] - 60:7, 98:8, 152:3 grabbed [1] - 98:11 graduate [1] - 26:18 graduated [1] - 27:24 graduating [1] - 27:15 grip [3] - 60:2, 60:7, 146:23 ground [3] - 102:12, 103:24, 104:16 group [1] - 119:19 guess [10] - 5:13, 87:17, 90:3, 97:22, 117:16, 117:20, 117:22, 140:11, 155:7, 161:23 guilty [1] - 118:3 Guy [1] - 159:8 guys [2] - 65:13, 109:17	125:5, 127:10, 129:3, 132:3, 140:9, 145:1, 151:17, 154:17, 154:23, 154:24, 155:3, 155:11, 156:4, 157:16, 158:7, 158:14, 158:20 half [6] - 44:18, 126:6, 138:8, 138:9, 139:6, 147:12 hand [11] - 49:6, 58:8, 68:23, 89:19, 114:7, 114:10, 114:12, 138:21, 166:17 handcuff [4] - 96:7, 96:8, 97:14, 98:14 handcuffed [9] - 96:6, 96:10, 98:5, 98:25, 99:5, 100:7, 100:13, 104:21, 117:14 handcuffing [2] - 98:16, 99:15 handcuffs [7] - 49:4, 49:5, 97:18, 97:21, 99:19, 100:10, 111:2 handed [3] - 22:15, 22:16 handle [1] - 60:7 handlebars [1] - 146:12 hands [21] - 87:11, 89:19, 90:20, 90:21, 91:5, 91:20, 98:1, 98:3, 98:5, 98:8, 98:11, 100:15, 101:2, 115:8, 115:9, 134:12, 138:19, 146:14, 146:18, 146:19, 158:3 handwritten [2] - 20:18, 20:22 hank [3] - 138:1, 139:22, 142:16 happen [4] - 13:7, 84:1, 122:16, 132:18 happened [45] - 38:25, 48:2, 48:24, 50:4, 86:20, 87:24, 88:17, 89:5, 89:15, 91:7, 91:14, 96:3, 96:5, 97:8, 99:18, 100:4, 100:9, 103:25, 104:19, 105:14, 105:16, 105:23, 106:17, 107:9, 108:4, 110:5, 110:8, 110:9, 110:25, 112:12, 117:22, 118:5, 119:17, 120:23, 121:14, 121:19, 122:19, 124:8, 124:13, 125:1, 126:2, 126:19, 129:1, 129:25, 159:1 happy [1] - 64:21 hard [1] - 60:7 harder [2] - 146:22, 152:10	Harvis [4] - 16:5, 16:16, 16:19, 17:1 harvis [2] - 16:7, 16:14 has [22] - 10:12, 16:25, 20:10, 20:15, 23:8, 23:11, 23:14, 24:3, 24:8, 25:7, 25:10, 31:2, 68:1, 144:7, 145:22, 147:14, 151:24, 152:5, 152:9, 157:19, 163:5, 163:8 hat [1] - 69:8 have [109] - 5:21, 7:3, 7:6, 9:14, 11:7, 13:13, 17:3, 20:18, 20:22, 21:4, 21:10, 22:17, 24:22, 25:12, 29:22, 29:24, 30:18, 31:21, 32:14, 33:19, 35:19, 43:20, 45:1, 45:4, 48:6, 50:11, 50:24, 51:13, 51:22, 52:14, 56:21, 58:23, 60:3, 60:12, 61:6, 63:5, 64:24, 65:8, 65:9, 67:3, 69:9, 69:11, 69:14, 69:16, 69:19, 71:1, 72:21, 80:2, 91:12, 94:15, 96:18, 96:22, 96:24, 97:7, 97:8, 102:10, 104:12, 105:17, 106:6, 106:15, 107:2, 109:13, 114:2, 115:16, 117:1, 118:6, 123:3, 123:18, 125:18, 126:20, 127:18, 127:21, 127:25, 128:13, 129:4, 129:15, 134:24, 135:1, 135:17, 135:21, 140:2, 140:7, 140:13, 141:20, 143:1, 144:17, 144:24, 145:5, 145:7, 147:10, 147:12, 149:7, 150:1, 150:7, 150:12, 150:19, 150:23, 151:4, 152:17, 152:19, 153:19, 154:14, 156:8, 157:22, 157:24, 160:19, 162:13, 163:11, 166:17 have you [93] - 7:9, 7:12, 9:12, 11:9, 11:12, 11:15, 11:17, 11:19, 12:3, 12:6, 12:10, 12:13, 12:16, 14:4, 14:7, 14:10, 14:12, 14:15, 14:18, 14:21, 14:23, 15:1, 15:4, 15:7, 15:10, 15:13, 15:16, 15:18, 17:6, 19:25, 20:10, 20:14, 21:1, 22:25, 24:6, 27:14, 27:18, 27:20, 28:8, 28:10, 29:1, 31:15, 31:18, 35:17, 35:20, 35:22, 43:10, 43:15, 43:18, 44:7, 44:23, 45:7, 45:9, 45:11, 45:13, 45:15,	45:18, 45:20, 45:23, 46:7, 46:10, 46:13, 47:11, 51:6, 51:9, 51:11, 51:16, 51:18, 52:11, 52:16, 61:5, 61:12, 61:19, 62:12, 63:8, 63:11, 63:14, 94:7, 119:22, 133:6, 133:20, 135:12, 143:13, 144:19, 145:13, 149:14, 154:20, 156:4, 156:10, 157:10, 157:16, 159:7, 160:21 haven't [6] - 9:13, 144:11, 150:9, 161:2, 162:10 having [9] - 4:1, 78:14, 94:20, 146:5, 146:8, 146:16, 146:23, 164:3 he [29] - 24:3, 49:2, 49:3, 49:4, 49:10, 55:14, 66:22, 78:3, 82:19, 106:10, 107:16, 107:17, 107:19, 116:11, 116:22, 117:4, 117:5, 117:10, 117:20, 117:22, 117:23, 117:25, 118:2, 118:4, 118:18, 140:2 he's [2] - 66:21, 73:11 head [17] - 4:19, 9:17, 9:18, 10:3, 89:18, 90:5, 90:8, 90:9, 93:24, 94:1, 94:21, 94:24, 95:3, 114:6, 134:11, 147:2, 158:2 headaches [3] - 10:3, 53:10, 158:2 headphone [1] - 73:5 headphones [4] - 72:22, 72:24, 96:18, 104:7 healed [1] - 145:5 health [3] - 52:14, 63:6, 157:16 hear [6] - 5:2, 17:19, 79:3, 83:9, 86:3, 97:5 heard [1] - 5:10 hearing [8] - 15:18, 22:17, 78:12, 83:17, 96:22, 96:24, 97:7, 97:8 heat [1] - 143:20 heavy [1] - 146:22 Heins [2] - 4:7, 21:2 HEINS [4] - 1:2, 1:17, 2:4, 164:12 held [1] - 1:19 helmet [2] - 72:16, 72:18 help [9] - 102:20, 103:8, 103:10, 104:23, 141:5, 143:25, 149:2, 149:6, 158:16 helps [1] - 144:25 her [21] - 23:4, 23:6, 65:5, 66:15, 68:21, 124:3,
H			
H [2] - 4:1, 165:1 ha [1] - 4:18 had [42] - 28:3, 50:23, 53:5, 67:3, 69:23, 71:8, 74:22, 84:8, 90:4, 91:22, 94:2, 94:4, 100:9, 110:8, 113:19, 117:4, 117:14, 117:15, 117:22, 118:5, 119:17, 123:6, 124:3,			

<p>129:3, 129:4, 139:2, 139:3, 149:3, 149:5, 149:6, 155:12, 155:14, 155:22, 155:24, 156:1, 156:20, 157:9, 158:20</p> <p>here [7] - 22:4, 59:13, 59:24, 94:17, 113:22, 145:9, 150:21</p> <p>hereby [2] - 164:3, 166:8</p> <p>HEREBY [1] - 3:4</p> <p>herein [1] - 3:5</p> <p>hereinbefore [2] - 164:8, 166:10</p> <p>hereunto [1] - 166:17</p> <p>hers [1] - 144:8</p> <p>high [10] - 26:8, 26:10, 26:18, 26:20, 27:15, 94:2, 94:20, 107:16, 107:17, 160:25</p> <p>High [1] - 26:11</p> <p>high-ranked [1] - 107:16</p> <p>high-ranking [1] - 107:17</p> <p>him [14] - 55:5, 97:22, 109:15, 116:10, 117:5, 117:7, 117:12, 117:23, 117:24, 117:25, 118:5, 133:13, 133:15</p> <p>his [11] - 23:17, 23:19, 30:19, 49:1, 49:14, 55:1, 66:21, 73:11, 107:19, 154:25, 161:19</p> <p>Hispanic [1] - 125:20</p> <p>history [3] - 51:13, 51:22, 63:5</p> <p>hit [14] - 84:22, 84:24, 85:1, 85:5, 86:11, 86:18, 87:25, 90:5, 90:8, 90:9, 90:25, 91:3, 91:7</p> <p>hitting [3] - 85:22, 86:23, 89:17</p> <p>hobbies [1] - 149:7</p> <p>hobby [1] - 149:9</p> <p>hold [10] - 58:24, 87:10, 89:19, 146:12, 146:17, 146:20, 146:23, 153:11, 154:10</p> <p>home [14] - 64:18, 66:10, 128:17, 128:18, 128:21, 129:8, 129:12, 130:4, 130:6, 144:18, 144:19, 144:25, 148:23, 149:5</p> <p>honestly [1] - 117:5</p> <p>hood [5] - 73:6, 86:22, 88:11, 88:13, 89:16</p> <p>hors [2] - 29:11, 146:21</p> <p>Hospital [6] - 58:3, 111:16, 111:18, 112:10, 114:21, 136:1</p> <p>hospital [16] - 57:24,</p>	<p>57:25, 113:25, 115:25, 116:16, 119:25, 120:3, 120:5, 120:9, 120:15, 121:9, 121:24, 122:4, 123:6, 124:4, 134:21</p> <p>hospitalized [3] - 63:14, 63:17, 63:21</p> <p>Hot [1] - 143:21</p> <p>hour [15] - 18:12, 30:10, 108:10, 108:22, 112:15, 112:20, 113:3, 121:13, 121:14, 124:16, 138:8, 138:9, 139:6, 141:19, 147:12</p> <p>hourly [2] - 30:8, 30:9</p> <p>hours [22] - 7:10, 7:13, 11:7, 11:10, 11:13, 29:5, 30:2, 30:4, 33:9, 33:11, 33:13, 37:25, 38:2, 41:20, 42:23, 42:25, 43:1, 49:20, 50:1, 112:15, 116:1</p> <p>house [14] - 22:24, 64:17, 65:20, 66:2, 66:9, 66:21, 67:1, 69:4, 70:2, 70:4, 71:16, 72:6, 72:15, 73:15</p> <p>household [1] - 66:23</p> <p>how [109] - 16:13, 16:21, 18:11, 19:3, 20:5, 22:2, 22:4, 22:25, 24:17, 27:10, 29:1, 30:2, 30:10, 32:6, 32:22, 33:25, 35:3, 37:8, 37:10, 40:3, 41:1, 42:7, 43:3, 43:22, 43:24, 44:4, 47:19, 49:19, 49:25, 52:6, 53:4, 56:13, 58:12, 59:3, 59:6, 59:25, 60:4, 60:20, 62:12, 64:20, 65:16, 66:19, 70:4, 70:8, 70:10, 71:12, 73:20, 74:1, 74:7, 74:18, 76:23, 77:1, 81:6, 81:21, 82:2, 82:5, 84:12, 86:10, 87:16, 89:4, 92:4, 92:14, 93:3, 93:18, 94:3, 94:15, 97:14, 97:20, 100:12, 102:14, 103:7, 106:22, 107:5, 108:9, 109:17, 110:8, 111:17, 112:14, 112:19, 115:22, 115:24, 119:6, 119:12, 121:12, 123:19, 124:15, 125:22, 126:4, 129:18, 131:9, 131:25, 138:6, 139:5, 139:8, 140:16, 141:7, 142:19, 148:14, 149:14, 151:10, 152:22, 152:24, 153:7, 153:19, 155:4, 156:25, 160:8, 160:10</p> <p>how did [12] - 13:5, 13:7,</p>	<p>54:20, 73:24, 74:3, 90:2, 101:1, 120:7, 121:17, 135:8, 144:10, 155:20</p> <p>how do [4] - 59:20, 103:10, 107:17, 163:1</p> <p>how is [1] - 152:2</p> <p>how many [33] - 10:8, 11:19, 12:16, 17:9, 18:7, 29:5, 33:6, 33:9, 37:22, 37:25, 41:20, 42:20, 42:23, 44:16, 45:20, 50:11, 63:17, 63:18, 77:25, 84:8, 89:9, 99:7, 102:2, 127:21, 137:16, 137:19, 139:3, 142:11, 143:13, 151:3, 156:8, 156:13</p> <p>how often [11] - 8:4, 9:8, 30:16, 33:17, 52:2, 57:1, 71:19, 138:2, 138:4, 147:22, 149:16</p> <p>however [1] - 6:18</p> <p>Human [2] - 14:13, 14:16</p> <p>Hunter [5] - 27:22, 27:23, 27:25, 28:4, 149:25</p> <p>hurt [7] - 49:5, 57:14, 59:13, 60:18, 61:3, 92:23, 92:25</p> <p>hurting [3] - 60:2, 110:14, 113:16</p>	<p>49:6, 49:7, 49:9, 49:14, 50:5, 50:13, 50:19, 50:25, 52:25, 53:6, 53:7, 53:13, 54:4, 55:6, 55:17, 55:19, 56:7, 56:18, 56:21, 56:25, 57:13, 58:6, 58:8, 58:11, 58:14, 59:3, 59:10, 59:11, 60:1, 60:2, 60:3, 60:6, 60:8, 61:2, 62:2, 62:13, 63:12, 63:18, 63:24, 64:3, 64:9, 64:11, 64:23, 65:10, 65:19, 65:24, 66:24, 67:10, 67:12, 67:14, 68:1, 68:6, 69:20, 69:25, 71:4, 71:7, 71:20, 72:8, 73:13, 73:17, 74:11, 74:14, 74:22, 75:7, 75:10, 75:18, 75:20, 76:4, 76:5, 76:22, 78:19, 79:24, 80:2, 80:19, 81:1, 81:13, 81:22, 81:25, 82:11, 82:15, 82:25, 83:3, 83:8, 83:11, 83:22, 84:5, 84:19, 85:6, 85:9, 86:14, 86:17, 86:19, 86:22, 87:17, 87:21, 88:17, 89:10, 89:17, 90:3, 90:4, 90:20, 90:24, 91:9, 91:10, 91:13, 91:15, 91:20, 91:22, 92:10, 92:17, 92:25, 94:3, 94:23, 95:16, 96:3, 96:4, 96:9, 96:13, 96:15, 96:17, 96:20, 97:5, 97:8, 97:9, 97:11, 98:18, 98:20, 99:9, 99:20, 99:23, 100:3, 100:8, 100:11, 100:21, 100:23, 101:8, 102:8, 102:10, 102:20, 103:9, 104:1, 104:7, 104:22, 105:16, 106:8, 106:18, 107:6, 107:8, 107:10, 107:11, 107:13, 107:25, 108:23, 109:5, 109:13, 109:14, 109:16, 110:8, 110:10, 110:12, 110:16, 110:24, 111:2, 111:25, 112:2, 112:5, 112:8, 112:13, 112:15, 113:7, 113:12, 113:14, 113:16, 113:19, 113:20, 113:21, 114:2, 114:3, 114:9, 114:11, 114:13, 114:15, 114:16, 114:18, 115:16, 115:18, 115:21, 116:13, 116:19, 116:22, 117:4, 117:6, 117:11, 117:12, 117:13, 117:14, 117:16, 117:17, 117:20, 117:22, 117:25, 118:2, 118:3, 118:5, 118:6, 118:10, 118:16, 118:18,</p>
I			
<p>i [14] - 17:19, 41:14, 58:23, 82:23, 88:14, 100:9, 106:6, 108:12, 128:4, 151:17, 152:20, 158:17, 158:19, 162:6</p> <p>I [551] - 3:1, 4:1, 4:12, 4:17, 5:1, 5:2, 5:5, 5:6, 6:6, 6:13, 6:18, 7:8, 7:14, 8:16, 9:3, 9:13, 9:20, 9:23, 10:7, 10:13, 11:2, 11:16, 11:23, 12:21, 12:23, 13:1, 13:10, 13:14, 14:14, 14:17, 16:9, 16:15, 16:20, 17:24, 22:11, 22:18, 23:23, 23:25, 24:19, 26:5, 26:15, 27:22, 27:24, 28:1, 28:3, 28:7, 30:19, 31:4, 31:8, 32:14, 33:2, 33:16, 34:1, 34:19, 34:22, 35:6, 37:7, 37:14, 38:24, 39:4, 39:6, 39:17, 41:14, 41:21, 44:1, 44:13, 44:20, 45:6, 45:8, 45:14, 45:17, 46:2, 46:6, 46:24, 47:8, 47:20, 47:22, 47:24, 48:1, 48:5, 48:7, 48:10, 48:14, 48:18, 48:25, 49:1,</p>			

<p>119:2, 119:9, 119:13, 119:18, 120:13, 120:25, 121:4, 122:20, 123:18, 123:22, 124:10, 124:14, 125:2, 125:3, 125:13, 125:18, 126:18, 126:20, 126:23, 127:1, 127:9, 127:13, 127:24, 128:9, 128:15, 128:17, 129:4, 129:11, 129:14, 130:7, 130:9, 130:11, 130:25, 131:1, 132:17, 134:17, 134:22, 134:24, 135:10, 135:25, 136:16, 137:21, 138:3, 139:2, 139:8, 139:11, 139:19, 139:21, 140:2, 140:7, 140:11, 140:13, 141:14, 141:20, 141:24, 142:10, 143:1, 144:3, 144:11, 144:15, 144:23, 144:24, 145:21, 145:24, 146:4, 146:6, 146:7, 146:12, 146:13, 146:14, 146:15, 146:17, 147:3, 147:4, 147:6, 147:7, 147:10, 147:12, 147:13, 147:23, 148:5, 148:6, 148:9, 148:10, 148:20, 148:21, 149:5, 150:4, 150:9, 150:22, 151:11, 151:12, 151:13, 151:14, 151:15, 151:16, 151:17, 151:22, 152:3, 152:16, 152:17, 152:18, 152:19, 152:25, 153:2, 153:3, 153:4, 153:7, 153:9, 153:10, 153:19, 153:20, 153:24, 154:1, 154:9, 154:10, 154:11, 154:12, 155:3, 155:7, 155:9, 155:11, 155:22, 155:24, 155:25, 157:3, 157:5, 157:7, 157:8, 157:12, 158:1, 158:5, 158:6, 158:7, 158:8, 158:9, 158:11, 158:12, 158:13, 158:14, 158:15, 158:16, 158:18, 158:19, 158:21, 158:23, 159:9, 159:15, 159:19, 160:1, 160:5, 160:10, 160:16, 160:19, 161:2, 161:5, 161:23, 162:3, 162:10, 163:3, 163:11, 164:1, 164:3, 164:4, 164:6, 165:1, 165:11, 166:1, 166:7, 166:13, 166:15, 166:17</p> <p>I'd [1] - 74:9 I'll [3] - 5:9, 17:9, 89:21</p>	<p>i'll [1] - 131:6 I'm [23] - 4:16, 7:17, 21:16, 29:4, 31:7, 39:7, 69:17, 90:12, 96:1, 96:23, 102:9, 134:4, 146:7, 151:1, 152:25, 153:7, 153:9, 153:20, 154:24, 157:1, 158:25, 161:22, 163:7</p> <p>i'm [2] - 153:6, 163:3 I've [1] - 152:17 IAB [2] - 118:23, 119:3 ice [1] - 146:24 icy [1] - 143:20 ID [7] - 25:16, 104:7, 104:8, 104:10, 104:12, 104:13, 152:23 ID'd [1] - 49:2 identification [1] - 67:24 identified [1] - 18:21 if [69] - 3:9, 3:11, 5:1, 5:5, 5:12, 6:1, 6:4, 6:13, 6:17, 7:17, 23:2, 25:17, 31:7, 39:7, 46:22, 54:8, 55:7, 57:13, 58:2, 58:8, 58:15, 68:17, 68:23, 71:4, 75:7, 75:11, 78:3, 79:9, 79:22, 79:25, 80:20, 90:2, 90:24, 94:2, 96:3, 96:14, 97:25, 99:24, 100:6, 102:8, 103:22, 103:24, 105:14, 106:7, 106:9, 107:11, 112:3, 114:5, 114:15, 118:3, 118:18, 121:19, 123:3, 123:9, 127:9, 128:15, 129:25, 130:2, 134:5, 135:10, 137:11, 150:19, 152:18, 153:10, 153:19, 154:24, 157:6, 160:11, 162:16 illegal [1] - 51:18 immediately [14] - 77:6, 85:22, 86:11, 86:20, 91:7, 94:22, 97:17, 97:19, 110:5, 131:2, 131:3, 133:24, 134:4, 136:1 impacted [1] - 151:25 impairs [1] - 7:7 important [1] - 162:11 improved [2] - 145:7, 154:15 improving [1] - 141:23 IN [1] - 166:17 in [229] - 1:8, 2:11, 4:13, 5:24, 6:1, 6:11, 7:9, 7:12, 9:7, 10:3, 11:7, 12:4, 12:11, 13:15, 14:4, 14:7, 14:23, 15:16, 15:20, 16:4, 17:4, 17:7, 17:16, 17:22, 18:4, 23:9, 23:11, 24:1,</p>	<p>25:18, 26:13, 26:24, 28:8, 28:22, 28:24, 30:8, 32:25, 34:5, 34:6, 37:7, 38:13, 39:3, 39:19, 40:21, 42:6, 43:21, 44:7, 44:24, 45:2, 45:5, 45:18, 45:20, 45:25, 47:1, 47:17, 48:2, 48:8, 48:22, 49:4, 49:21, 51:6, 55:10, 55:23, 56:1, 56:2, 56:10, 57:14, 58:23, 59:5, 60:4, 60:10, 60:16, 60:22, 62:7, 62:14, 62:18, 63:2, 64:22, 65:7, 66:4, 66:19, 68:14, 68:17, 69:15, 69:19, 69:23, 69:25, 71:21, 72:5, 72:18, 72:22, 75:2, 75:5, 76:1, 76:8, 77:8, 77:11, 77:15, 77:18, 78:18, 78:20, 78:23, 79:1, 81:16, 82:18, 83:2, 83:12, 83:20, 85:25, 87:17, 88:19, 89:1, 89:2, 90:11, 91:9, 91:10, 91:16, 91:22, 91:23, 92:3, 92:5, 92:9, 92:12, 92:20, 93:1, 93:4, 93:11, 93:13, 93:25, 94:21, 96:18, 97:17, 97:21, 99:2, 99:13, 99:18, 99:22, 100:9, 101:14, 104:8, 104:9, 104:10, 104:21, 105:12, 105:19, 106:8, 106:11, 108:6, 108:7, 108:9, 108:17, 109:3, 109:20, 109:24, 110:1, 110:12, 110:17, 110:19, 111:2, 111:13, 111:20, 111:23, 112:14, 113:14, 113:20, 113:21, 115:3, 115:4, 116:7, 118:2, 119:9, 119:14, 119:16, 122:4, 123:25, 124:1, 124:15, 124:17, 124:18, 124:24, 125:24, 130:13, 130:23, 132:11, 133:1, 133:17, 134:9, 134:12, 135:14, 135:18, 136:8, 140:3, 140:6, 140:24, 141:21, 142:4, 143:6, 143:11, 146:13, 147:6, 147:15, 147:25, 148:18, 148:24, 150:1, 150:13, 150:21, 151:20, 152:7, 154:3, 154:5, 155:2, 155:4, 156:1, 156:5, 156:10, 156:14, 157:17, 158:6, 158:12, 158:14, 158:24, 159:2, 159:10, 161:2, 166:15 inaccurate [1] - 6:5 incapable [1] - 151:21</p>	<p>incident [35] - 4:15, 16:11, 20:19, 20:23, 61:9, 61:13, 61:21, 62:7, 62:18, 89:7, 133:24, 134:1, 134:4, 134:6, 135:21, 136:2, 140:15, 145:2, 146:1, 148:12, 148:14, 150:8, 151:7, 152:7, 155:7, 155:18, 155:20, 156:22, 157:11, 157:23, 157:25, 159:14, 160:12, 160:21, 162:9 incidents [1] - 63:13 income [2] - 31:22, 35:14 incomplete [1] - 6:5 incurred [1] - 162:18 indicate [2] - 124:1, 150:15 indicated [39] - 8:8, 8:17, 10:17, 30:1, 40:13, 40:20, 41:22, 51:1, 55:3, 56:5, 57:14, 60:15, 76:14, 87:6, 87:24, 89:22, 90:5, 91:1, 92:11, 92:19, 93:10, 98:21, 101:22, 102:11, 103:14, 105:25, 119:19, 132:3, 132:25, 138:22, 139:22, 147:19, 148:3, 151:7, 151:24, 152:6, 153:12, 154:2, 154:23 indication [2] - 53:1, 53:4 individual [8] - 16:25, 18:21, 95:14, 119:1, 123:19, 124:9, 124:23, 162:23 individual's [1] - 116:21 individually [2] - 1:8, 2:11 individuals [4] - 95:8, 103:20, 133:3, 133:6 INFORMATION [2] - 165:17, 165:18 information [1] - 111:1 informed [2] - 108:4, 115:1 inhibit [1] - 60:22 injure [1] - 47:9 injured [6] - 31:18, 34:11, 39:21, 39:24, 40:3, 47:2 injuries [22] - 14:1, 60:13, 61:16, 133:23, 133:25, 134:5, 134:8, 134:20, 135:24, 136:3, 141:9, 141:11, 141:22, 145:5, 145:7, 152:11, 152:15, 153:18, 157:10, 157:22, 162:10 injuring [1] - 47:11</p>
--	---	---	--

injury [2] - 138:16, 138:18 inside [4] - 71:17, 71:18, 108:13, 108:21 Instagram [5] - 160:19, 160:22, 161:3, 161:4, 161:7 institutions [2] - 27:15, 28:6 instrumental [1] - 149:20 insurance [4] - 43:12, 140:18, 144:9, 157:17 intend [1] - 72:7 intended [1] - 138:15 intending [2] - 70:13, 74:18 intensity [1] - 59:20 intention [1] - 70:21 interaction [1] - 152:12 interested [1] - 166:15 interfere [1] - 7:4 interfered [1] - 151:7 Internal [6] - 116:23, 117:10, 117:21, 122:20, 123:1, 125:9 intersection [3] - 75:8, 77:3, 77:5 into [15] - 27:23, 28:4, 49:15, 66:12, 70:1, 70:14, 70:23, 84:20, 106:25, 111:2, 112:13, 124:10, 132:17, 134:18, 147:4 introvert [3] - 152:16, 153:1, 153:13 introvertedness [2] - 155:24, 157:1 investigation [2] - 160:12, 160:15 involuntarily [2] - 89:25, 90:1 involve [1] - 148:18 involving [1] - 11:24 iPhone [2] - 73:2, 73:3 IS [2] - 3:4, 3:15 is [53] - 4:12, 4:14, 5:5, 5:25, 6:21, 8:18, 9:22, 9:23, 16:10, 23:19, 25:1, 28:18, 29:14, 30:5, 30:20, 30:25, 31:8, 32:19, 34:13, 39:2, 40:14, 41:10, 53:20, 55:9, 56:22, 61:2, 62:17, 62:23, 68:2, 69:1, 77:20, 81:6, 87:17, 117:23, 123:23, 125:2, 134:17, 144:3, 144:16, 145:9, 146:15, 147:13, 148:1, 150:18, 150:24, 161:8, 161:10, 161:12, 161:18, 162:10, 164:7, 166:9, 166:11	is it your [5] - 30:22, 61:15, 72:12, 77:4, 155:16 is that [67] - 8:8, 8:18, 8:20, 11:3, 13:24, 15:25, 16:5, 16:11, 21:25, 22:21, 22:23, 28:24, 32:4, 36:12, 37:2, 40:21, 41:24, 44:21, 48:8, 51:2, 54:24, 55:5, 56:6, 56:11, 57:15, 60:16, 66:17, 68:20, 68:24, 70:18, 76:9, 76:21, 77:20, 83:4, 87:1, 87:9, 87:25, 89:7, 89:22, 90:5, 90:14, 91:1, 92:12, 92:20, 93:11, 93:16, 95:6, 103:15, 104:17, 106:1, 109:20, 114:12, 119:25, 120:20, 124:11, 126:10, 130:15, 133:3, 138:25, 140:10, 141:13, 142:5, 143:2, 153:15, 156:16, 159:20 is there [20] - 6:25, 10:18, 10:25, 11:6, 31:5, 31:9, 36:8, 36:10, 80:11, 80:14, 80:16, 93:22, 142:25, 145:25, 153:17, 154:8, 157:23, 162:3, 162:9, 162:13 isla [1] - 55:2 Island [2] - 27:7, 147:25 issuance [1] - 25:20 issued [1] - 24:24 issues [4] - 52:12, 52:17, 63:6, 156:4 IT [2] - 3:4, 3:15 It [1] - 123:18 it [145] - 8:6, 9:23, 13:1, 13:6, 17:9, 17:19, 23:24, 25:7, 25:15, 25:23, 25:25, 30:5, 30:25, 34:13, 35:7, 35:9, 35:11, 39:2, 41:4, 46:3, 46:5, 48:4, 48:7, 49:3, 49:9, 50:14, 50:20, 55:9, 57:5, 58:23, 58:25, 59:3, 59:10, 59:11, 59:25, 60:19, 60:21, 61:4, 62:17, 64:23, 67:19, 67:21, 68:4, 68:7, 69:22, 70:25, 71:8, 71:11, 71:13, 74:14, 74:23, 75:7, 76:19, 80:6, 80:9, 81:10, 84:7, 84:8, 84:13, 84:22, 85:1, 85:15, 85:17, 85:19, 85:25, 86:3, 86:5, 86:6, 86:13, 86:18, 86:19, 88:5, 88:17, 89:5, 89:9, 90:4, 90:10, 91:9, 91:19, 92:17, 93:8, 94:7, 94:9, 96:3, 96:4, 97:8, 99:9, 100:6, 104:3, 106:23, 107:11, 111:11,	112:9, 120:14, 122:11, 122:12, 123:23, 129:19, 130:9, 130:12, 135:10, 137:4, 141:14, 141:15, 141:17, 142:1, 142:2, 142:20, 142:21, 144:8, 144:16, 144:23, 145:9, 147:5, 147:18, 148:9, 149:22, 150:5, 150:9, 150:10, 150:20, 150:22, 150:23, 151:12, 152:24, 153:1, 153:6, 153:20, 154:13, 156:1, 156:17, 157:5, 158:3, 158:11, 158:13, 160:10, 161:5 it's [55] - 7:15, 9:18, 22:24, 28:19, 32:23, 33:2, 33:3, 33:12, 34:5, 37:4, 40:11, 41:9, 59:18, 60:1, 60:7, 60:8, 60:9, 70:9, 72:3, 73:8, 75:10, 76:19, 79:21, 80:8, 80:19, 80:20, 81:8, 85:9, 85:10, 90:13, 91:25, 94:2, 136:8, 143:8, 144:4, 146:17, 146:20, 146:21, 146:22, 146:25, 147:4, 147:15, 148:6, 148:11, 149:4, 149:9, 149:20, 152:4, 152:10, 156:2, 157:6, 158:4, 158:5, 163:4 its [3] - 41:11, 153:10, 157:13 J jack [1] - 73:5 jail [1] - 151:20 JANE [2] - 1:8, 2:11 Jane [2] - 1:9, 2:11 Jeff [2] - 15:24, 18:14 JEFFREY [1] - 2:5 Jeffrey [1] - 15:25 job [18] - 29:3, 31:21, 31:24, 32:8, 32:19, 32:20, 32:25, 33:4, 33:6, 34:11, 35:16, 35:19, 37:5, 41:5, 150:12, 151:2, 151:5, 151:23 JOHN [2] - 1:8, 2:10 John [6] - 1:9, 2:4, 2:11, 18:19, 18:20, 18:22 join [2] - 160:24, 161:3 journal [3] - 148:5, 148:8, 148:9 judge [3] - 47:25, 50:24, 128:1 Judge [1] - 3:10 July [2] - 1:13, 166:18 jumping [1] - 46:19	June [1] - 143:12 jury [1] - 128:1 just [83] - 17:3, 17:7, 17:10, 17:18, 18:21, 21:18, 25:17, 25:20, 25:23, 29:14, 32:23, 38:18, 39:24, 40:19, 41:4, 42:17, 49:2, 49:9, 53:7, 54:3, 54:14, 58:7, 59:24, 59:25, 60:9, 63:13, 64:22, 69:25, 73:14, 74:22, 75:7, 76:17, 77:3, 78:4, 82:19, 87:6, 89:19, 89:20, 91:10, 91:15, 93:18, 93:21, 93:23, 94:19, 96:4, 96:6, 96:15, 100:11, 105:2, 110:16, 118:5, 119:17, 123:6, 123:10, 123:18, 124:3, 125:9, 125:18, 126:20, 129:21, 130:1, 136:3, 136:19, 142:12, 143:1, 144:18, 146:17, 146:21, 146:22, 147:14, 150:22, 150:25, 151:5, 152:3, 153:12, 153:22, 156:5, 156:15, 157:2, 157:3, 158:5, 158:10 K keep [3] - 4:22, 104:10, 148:8 Kelly [1] - 2:17 Kevin [1] - 2:17 keyboard [1] - 149:13 kibo [2] - 36:5, 36:6 Kibo [4] - 36:8, 36:20, 39:25, 41:22 Kimberly [4] - 155:13, 155:17, 156:4, 156:11 kind [13] - 9:22, 28:18, 41:10, 90:3, 137:11, 144:21, 147:5, 147:12, 147:14, 148:25, 149:19, 150:4, 158:14 kinetic [1] - 87:18 knee [15] - 90:20, 91:1, 91:2, 92:20, 92:24, 93:7, 114:7, 114:17, 134:18, 141:12, 141:13, 143:18, 143:23, 158:15 knees [11] - 91:2, 91:3, 91:5, 91:22, 93:21, 110:20, 115:8, 115:11, 138:19, 138:21 knife [3] - 49:3, 49:8, 49:9 know [192] - 5:2, 5:6, 5:12, 5:13, 6:6, 6:17, 7:8, 7:22, 8:15, 9:2, 9:6,
--	---	---	--

11:22, 12:22, 12:24, 13:9, 13:21, 14:14, 14:17, 16:21, 17:24, 22:6, 22:11, 22:18, 24:11, 24:14, 24:17, 25:4, 30:19, 30:22, 31:4, 31:11, 31:13, 33:23, 34:18, 35:3, 37:7, 37:8, 37:10, 37:13, 39:15, 40:8, 40:11, 42:18, 42:20, 44:1, 45:6, 45:8, 45:14, 45:17, 46:22, 46:25, 47:24, 48:2, 48:4, 48:5, 48:11, 49:13, 50:18, 53:7, 53:22, 54:18, 56:23, 58:15, 59:3, 59:10, 60:1, 62:20, 62:23, 63:12, 64:8, 64:14, 64:16, 65:20, 65:23, 67:12, 67:13, 67:14, 67:15, 67:21, 68:2, 69:1, 69:3, 70:10, 74:14, 75:7, 75:11, 80:19, 83:3, 84:12, 84:15, 86:14, 86:18, 88:5, 88:15, 91:9, 91:11, 94:3, 95:8, 95:23, 96:10, 96:15, 96:16, 97:9, 99:24, 100:2, 100:4, 101:12, 102:21, 103:10, 103:12, 103:17, 104:24, 105:16, 105:22, 106:10, 107:13, 107:15, 107:17, 108:7, 109:22, 111:4, 112:6, 113:6, 113:8, 113:21, 115:24, 116:8, 116:21, 117:11, 117:16, 118:18, 119:20, 120:12, 121:5, 122:8, 123:11, 126:17, 126:21, 127:2, 127:5, 127:9, 128:3, 132:14, 132:23, 134:23, 139:11, 140:13, 140:16, 141:15, 143:11, 144:12, 149:4, 151:3, 152:22, 152:23, 153:2, 153:3, 153:7, 153:9, 153:10, 153:19, 153:20, 153:25, 155:14, 156:1, 156:2, 156:20, 157:6, 157:19, 158:9, 158:17, 158:18, 158:24, 159:1, 159:18, 160:4, 160:6, 160:11, 160:14, 161:7, 161:10, 161:12, 161:18, 162:21, 162:23, 163:5, 163:8 knowing [1] - 117:11 knowledge [1] - 68:20 known [1] - 21:1	la [1] - 29:14 lack [1] - 155:8 LaGuardia [7] - 27:5, 27:10, 27:13, 27:17, 27:24, 28:6, 43:8 land [1] - 90:16 landed [3] - 86:23, 90:13, 93:16 landing [1] - 90:12 lane [5] - 80:11, 80:14, 81:16, 81:18, 82:1 lanes [1] - 80:18 language [1] - 6:21 large [2] - 81:6, 145:4 last [28] - 7:9, 7:12, 7:20, 7:21, 7:25, 8:11, 9:4, 9:25, 10:21, 11:7, 11:9, 11:13, 21:18, 23:6, 23:19, 31:13, 31:25, 33:23, 34:20, 55:1, 118:10, 137:9, 139:5, 155:14, 156:20, 158:23, 161:5, 163:1 late [1] - 111:11 laundromat [1] - 131:18 Law [2] - 1:20, 2:18 LAW [1] - 2:8 lawsuit [14] - 4:15, 12:11, 12:18, 12:20, 13:23, 14:2, 14:5, 14:8, 16:10, 20:1, 20:20, 21:11, 159:13, 162:19 lawsuits [3] - 12:7, 12:13, 12:16 lean [1] - 146:16 least [1] - 10:10 leave [2] - 34:16, 74:3 leaving [6] - 66:9, 67:1, 70:1, 70:23, 70:25, 128:16 led [2] - 94:11, 156:1 left [53] - 13:4, 22:15, 34:18, 65:20, 66:2, 68:7, 68:17, 69:4, 72:6, 72:8, 72:13, 72:15, 73:15, 73:16, 73:17, 73:18, 74:4, 74:11, 74:16, 76:6, 76:12, 77:6, 79:23, 80:22, 81:19, 82:7, 82:17, 82:24, 85:3, 85:6, 86:8, 88:11, 88:13, 88:24, 89:16, 89:18, 90:25, 92:20, 92:24, 93:14, 114:7, 114:12, 114:17, 120:5, 120:9, 128:8, 134:13, 134:14, 134:19, 141:13, 146:13, 158:4 left-handed [1] - 22:15 leg [5] - 88:23, 134:14, 146:13, 158:4 legal [3] - 17:4, 126:9, 127:11 lenses [5] - 62:12, 62:14, 62:18, 62:21, 63:2 Leslie [1] - 162:23 less [12] - 22:12, 33:2, 70:5, 70:6, 71:25, 74:9, 97:24, 106:24, 119:7, 125:23, 139:4, 146:15 let [6] - 5:2, 5:6, 6:5, 6:17, 131:22, 156:10 let's [4] - 21:18, 63:25, 86:25, 148:17 LETTER [1] - 165:6 liable [1] - 162:17 license [12] - 24:22, 24:24, 25:1, 25:5, 25:7, 25:10, 25:12, 25:16, 26:2, 26:5, 26:6, 104:14 lied [1] - 117:10 lien [2] - 45:1, 45:4 life [4] - 59:5, 60:4, 148:18, 158:14 light [3] - 52:8, 52:9, 75:15 lights [2] - 79:6, 83:14 lightweight [1] - 146:21 like [73] - 13:15, 13:17, 38:21, 41:4, 59:11, 60:8, 61:2, 64:3, 68:1, 68:6, 72:5, 84:6, 86:6, 88:3, 92:22, 92:23, 92:24, 92:25, 94:2, 94:23, 100:13, 105:3, 108:15, 111:10, 118:3, 122:11, 125:19, 131:23, 134:14, 141:18, 143:20, 143:22, 143:23, 146:3, 146:8, 146:9, 146:25, 147:4, 147:5, 147:7, 147:10, 147:11, 147:12, 147:14, 148:5, 148:6, 148:10, 148:20, 148:21, 151:5, 152:20, 153:8, 153:10, 153:12, 154:1, 154:10, 157:5, 157:7, 158:5, 158:7, 158:11, 158:13, 158:15, 159:1, 160:18, 162:14 liked [1] - 152:8 limit [2] - 84:14, 84:15 limp [1] - 146:5 limping [2] - 107:6, 107:7 line [5] - 80:16, 80:17, 80:19, 82:6, 82:9 lines [6] - 29:20, 86:1, 109:4, 110:2, 131:3, 131:23 LinkedIn [1] - 160:18 list [1] - 145:4 listed [2] - 136:3, 145:4 listen [1] - 149:10 listening [3] - 73:1, 83:4, 83:7 little [3] - 32:12, 76:17, 104:18 live [2] - 23:2, 24:1 lived [7] - 22:25, 23:8, 23:11, 23:14, 23:15, 24:3, 24:9 living [3] - 23:21, 24:11, 24:14 loans [1] - 44:23 located [10] - 26:12, 27:6, 28:20, 40:11, 41:12, 41:15, 42:5, 67:13, 67:15, 68:11 location [11] - 23:9, 23:12, 23:22, 24:15, 34:2, 34:8, 74:16, 74:19, 131:2, 148:1, 150:6 locations [1] - 136:16 locations' [1] - 136:17 lock [1] - 71:1 logged [1] - 161:2 long [53] - 18:11, 19:3, 22:25, 27:10, 29:1, 30:2, 32:6, 33:25, 37:8, 37:10, 41:1, 42:7, 47:19, 49:19, 49:25, 53:4, 56:13, 58:12, 62:12, 71:8, 73:20, 74:1, 74:7, 94:14, 94:15, 97:14, 97:16, 97:20, 102:14, 106:22, 108:9, 109:17, 111:17, 112:14, 112:19, 115:22, 115:24, 119:6, 121:12, 123:19, 124:15, 125:22, 126:4, 129:19, 138:6, 139:5, 146:16, 146:21, 149:14, 153:24, 155:4, 160:8, 160:10 Long [2] - 27:7, 147:25 longer [2] - 34:13, 140:25 look [3] - 68:17, 68:23, 84:6 looked [7] - 88:2, 101:12, 105:3, 107:19, 108:15, 111:10, 125:19 looking [1] - 101:9 loss [2] - 157:14, 157:15 lost [3] - 113:19, 113:22, 151:17 lot [15] - 52:10, 60:8, 80:21, 89:21, 93:1, 99:9, 102:4, 102:5, 107:20, 113:16, 142:20, 146:22, 146:25, 153:25, 157:22 lower [4] - 85:6, 92:10, 134:13, 158:5
L	
L [7] - 3:1, 9:1, 163:4, 164:1	

lunch [4] - 9:14, 65:8, 65:9, 65:10 luxury [1] - 28:19 lydia [1] - 23:5 lying [2] - 117:17, 117:19 lyrics [1] - 148:6	143:22 massages [3] - 60:6, 138:14, 146:14 matter [5] - 11:24, 12:1, 17:4, 17:17, 166:16 MATTHEW [2] - 1:8, 2:10 may [7] - 3:7, 3:11, 6:9, 6:10, 135:1, 135:17, 162:17 May [8] - 25:22, 29:2, 31:3, 31:15, 31:18, 55:11, 56:2, 143:12 maybe [15] - 39:4, 59:6, 59:11, 69:17, 71:25, 96:20, 101:8, 106:23, 107:25, 108:10, 112:5, 121:9, 137:24, 147:11, 151:13 me [105] - 4:14, 5:2, 5:6, 5:9, 5:13, 5:16, 6:6, 6:17, 11:2, 26:23, 38:19, 39:6, 46:16, 48:15, 49:1, 49:2, 49:4, 66:15, 73:14, 76:4, 77:15, 82:11, 82:23, 85:1, 85:17, 89:5, 96:4, 96:6, 96:9, 96:10, 100:13, 100:14, 100:16, 103:1, 103:8, 104:21, 105:2, 107:11, 107:23, 108:6, 109:1, 109:5, 109:8, 110:6, 111:22, 112:5, 113:20, 114:15, 116:11, 116:20, 117:4, 117:10, 117:15, 117:17, 117:20, 117:22, 117:25, 118:2, 118:4, 119:17, 121:9, 122:5, 122:20, 123:10, 124:18, 125:4, 131:22, 134:25, 137:23, 140:12, 142:21, 144:12, 144:21, 144:22, 148:7, 150:5, 150:6, 152:5, 152:19, 152:20, 152:23, 152:24, 152:25, 153:2, 153:3, 153:6, 153:8, 153:11, 153:25, 154:24, 155:25, 156:10, 157:2, 157:3, 158:15, 158:16, 158:17, 164:8, 164:15 meal [2] - 9:9, 9:10 mean [26] - 9:19, 26:4, 38:12, 38:18, 51:25, 52:9, 59:22, 60:23, 61:2, 64:23, 66:14, 70:17, 72:4, 74:21, 75:9, 76:22, 85:10, 93:4, 95:17, 102:5, 132:16, 134:16, 141:18, 150:22, 156:9, 157:4 meaning [1] - 57:4 means [1] - 18:5	meant [2] - 119:18, 131:1 Medicaid [2] - 45:11, 140:8 medical [33] - 52:16, 53:15, 53:17, 56:21, 57:17, 57:22, 61:6, 61:12, 61:19, 63:9, 103:15, 103:17, 104:22, 106:1, 107:10, 107:14, 108:5, 109:2, 109:20, 111:21, 113:9, 115:20, 116:15, 122:22, 123:2, 123:4, 135:23, 140:7, 140:9, 140:22, 145:13, 157:19, 159:4 Medical [16] - 53:19, 53:22, 55:20, 55:22, 136:6, 136:10, 136:20, 136:25, 137:2, 137:15, 143:2, 143:5, 143:7, 143:9, 143:14, 144:21 Medicare [1] - 45:13 medication [30] - 7:14, 8:1, 8:14, 8:25, 10:24, 11:1, 11:6, 54:5, 54:12, 54:13, 56:17, 56:20, 57:8, 58:6, 58:7, 58:9, 58:13, 58:15, 62:8, 120:10, 120:11, 120:12, 120:17, 123:5, 123:7, 123:10, 123:11, 123:13, 124:6, 139:14 medications [2] - 7:9, 7:12 meet [17] - 16:2, 16:7, 18:3, 18:17, 18:22, 65:2, 65:3, 65:11, 66:5, 66:9, 66:12, 67:7, 68:21, 70:18, 126:7, 139:3, 159:10 meeting [3] - 18:11, 18:13, 65:5 meetings [3] - 17:1, 17:12, 17:13 meets [1] - 80:6 member [3] - 16:22, 160:17 members [3] - 112:1, 152:12, 163:9 memory [2] - 7:7, 10:12 men [2] - 91:15, 95:6 mental [3] - 7:3, 7:6, 63:6 menthol [1] - 143:20 mention [1] - 162:14 mentioned [4] - 89:6, 113:19, 115:16, 150:4 met [6] - 16:14, 17:6, 17:10, 52:19, 65:13, 155:11 methocarbamol [5] - 54:9, 54:10, 56:6, 56:8,	57:1 mid [4] - 85:6, 92:10, 128:9, 158:4 middle [6] - 21:4, 21:6, 21:8, 21:11, 68:17, 81:19 MIDI [1] - 149:13 might [11] - 17:25, 80:2, 102:10, 115:16, 129:4, 134:24, 152:19, 152:22, 153:3, 157:7, 157:8 military [1] - 28:8 mill [1] - 92:4 milligrams [2] - 7:23, 7:24 mind [1] - 162:7 minimal [1] - 142:3 minor [2] - 59:6, 92:4 minute [8] - 63:25, 70:9, 73:21, 74:2, 74:9, 97:24, 118:8, 154:23 minutes [14] - 19:5, 70:5, 70:6, 102:15, 106:23, 108:10, 108:21, 111:19, 112:9, 119:7, 123:20, 125:23, 139:6, 147:12 miranda [4] - 23:7, 23:8, 23:15, 24:8 misunderstood [1] - 73:13 mixed [1] - 105:10 mom [4] - 66:12, 128:24, 129:1, 129:7 moment [6] - 52:25, 64:5, 91:10, 142:20, 148:17, 162:8 Monday [1] - 151:5 monetary [1] - 44:24 money [2] - 30:10, 43:3 monitory [2] - 45:2, 45:5 month [2] - 35:11, 52:4 monthly [2] - 43:24, 44:14 months [11] - 16:15, 25:23, 35:7, 35:9, 41:2, 42:8, 44:16, 56:14, 132:15, 132:16, 132:19 more [54] - 10:7, 22:9, 23:1, 23:24, 32:13, 32:23, 35:7, 35:9, 35:11, 46:3, 46:5, 50:14, 52:4, 57:3, 57:4, 59:18, 60:8, 63:19, 71:21, 71:23, 76:17, 82:11, 86:13, 89:11, 89:13, 91:25, 92:23, 94:23, 102:6, 102:15, 104:18, 104:20, 105:6, 112:15, 112:20, 113:20, 116:1, 121:13, 123:20, 124:16, 127:22, 132:4, 146:22, 146:25, 147:5,
--	--	---	---

<p>151:12, 152:16, 152:18, 153:1, 153:12, 153:19, 154:1</p> <p>morning [8] - 4:10, 4:11, 9:7, 9:12, 64:6, 64:13, 148:20, 152:7</p> <p>most [3] - 59:5, 74:12, 148:20</p> <p>mother [19] - 23:3, 64:19, 65:2, 65:3, 65:11, 65:13, 65:20, 66:5, 66:9, 66:16, 67:4, 67:7, 68:21, 70:10, 70:18, 74:15, 74:23, 144:6, 149:2</p> <p>Motrin [6] - 7:14, 7:18, 7:20, 7:24, 10:18, 10:25</p> <p>move [2] - 29:22, 142:22</p> <p>mr [2] - 51:13, 64:3</p> <p>MR [39] - 4:5, 17:18, 17:25, 18:20, 19:14, 21:15, 21:18, 21:20, 25:17, 30:20, 55:13, 56:22, 61:8, 63:25, 66:21, 66:23, 73:11, 73:13, 82:8, 82:10, 82:18, 82:19, 82:21, 94:22, 97:1, 97:22, 97:23, 106:9, 118:7, 118:10, 135:3, 135:6, 137:3, 157:13, 162:20, 163:1, 163:3, 163:11, 165:14</p> <p>Mr [15] - 4:10, 16:2, 16:7, 16:14, 16:16, 16:19, 17:1, 18:17, 18:25, 19:3, 23:21, 24:1, 24:8, 24:11, 24:14</p> <p>MRI [2] - 114:10, 114:13</p> <p>MRIs [4] - 114:6, 114:19, 136:16</p> <p>Ms [8] - 16:8, 16:14, 16:16, 16:19, 17:1, 23:8, 23:15, 24:8</p> <p>much [19] - 16:13, 22:4, 30:10, 33:5, 35:3, 43:3, 43:22, 43:24, 44:4, 52:6, 60:2, 66:19, 71:12, 82:5, 145:10, 149:1, 150:25, 152:17, 153:1</p> <p>muscle [2] - 56:16, 115:3</p> <p>music [4] - 73:1, 83:4, 148:6, 149:9</p> <p>must [2] - 125:18, 140:2</p> <p>my [194] - 4:12, 5:6, 5:10, 5:16, 9:17, 10:3, 17:18, 19:11, 23:3, 23:16, 26:3, 27:12, 28:1, 29:8, 29:13, 32:14, 34:17, 38:16, 40:4, 49:6, 52:10, 54:21, 55:13, 58:8, 64:15, 64:17, 64:19, 65:2, 69:10, 69:13, 69:15, 69:25, 71:16, 72:3, 73:4,</p>	<p>76:6, 76:20, 85:3, 85:6, 86:23, 87:17, 88:14, 88:22, 88:23, 89:17, 89:18, 89:19, 89:20, 90:20, 90:24, 91:19, 91:20, 91:22, 92:10, 92:13, 92:17, 93:8, 93:24, 94:10, 94:24, 100:14, 100:15, 101:5, 101:8, 103:8, 104:4, 104:7, 104:9, 105:16, 107:12, 110:14, 110:20, 110:22, 111:22, 113:16, 113:17, 114:6, 114:7, 114:16, 115:3, 115:6, 115:8, 115:14, 115:16, 122:9, 122:21, 123:5, 128:17, 128:23, 129:14, 134:9, 134:11, 134:12, 134:13, 134:14, 134:18, 134:24, 135:2, 137:3, 137:5, 137:7, 138:19, 138:21, 141:12, 142:14, 143:18, 143:23, 144:3, 144:6, 144:23, 144:24, 145:21, 146:5, 146:12, 146:13, 146:14, 146:17, 146:18, 146:19, 147:2, 147:3, 147:10, 147:13, 148:24, 149:2, 149:9, 150:4, 150:18, 151:2, 151:13, 151:16, 152:21, 152:22, 152:23, 153:21, 155:24, 155:25, 157:1, 157:7, 157:12, 158:1, 158:2, 158:3, 158:4, 158:11, 158:12, 158:14, 158:18, 158:19, 161:9, 161:25, 162:20, 166:17</p> <p>myself [4] - 60:6, 89:19, 154:9, 157:8</p> <p>Myspace [1] - 160:18</p>	<p>116:21, 139:2, 148:1, 155:12, 155:14, 156:20, 161:1, 161:7, 161:9, 161:19, 161:21, 162:23, 163:2</p> <p>named [1] - 159:7</p> <p>names [7] - 1:9, 1:9, 2:11, 2:12, 115:19, 125:17, 136:17</p> <p>narcotics [1] - 11:12</p> <p>narrow [2] - 76:20, 79:21</p> <p>nasty [1] - 118:2</p> <p>near [1] - 34:7</p> <p>nearby [1] - 70:24</p> <p>nearsighted [1] - 62:25</p> <p>necessarily [1] - 150:24</p> <p>neck [2] - 134:12, 158:3</p> <p>need [3] - 6:17, 26:6, 145:14</p> <p>needed [6] - 26:5, 42:18, 104:22, 145:21, 150:25, 158:15</p> <p>neither [1] - 114:18</p> <p>network [1] - 160:17</p> <p>neurologist [1] - 145:21</p> <p>neurology [1] - 9:23</p> <p>neuropsychology [1] - 149:25</p> <p>never [6] - 94:6, 142:25, 145:1, 151:16, 158:14, 158:19</p> <p>NEW [6] - 1:1, 1:7, 2:8, 2:9, 166:3, 166:4</p> <p>New [29] - 1:20, 1:21, 1:22, 2:5, 2:13, 2:18, 4:3, 4:9, 12:7, 14:12, 14:15, 21:24, 22:20, 24:25, 27:8, 28:22, 45:15, 45:18, 45:20, 45:23, 46:1, 52:1, 152:12, 163:9, 166:8</p> <p>new [2] - 71:10, 71:11</p> <p>next [6] - 104:19, 106:17, 112:5, 115:23, 124:13, 131:19</p> <p>NG [1] - 1:5</p> <p>nicole [1] - 156:19</p> <p>Nicole [2] - 156:23, 158:16</p> <p>night [5] - 7:21, 7:25, 8:6, 130:5</p> <p>No [5] - 1:5, 1:7, 2:10, 2:10</p> <p>no [256] - 7:2, 7:5, 9:13, 11:5, 11:8, 11:11, 11:14, 12:5, 12:9, 13:12, 13:22, 14:3, 14:6, 14:9, 14:11, 14:20, 14:22, 14:25, 15:3, 15:9, 15:12, 15:15, 15:17, 15:19, 16:24, 17:2, 17:5, 17:14, 18:16, 18:24, 20:3,</p>	<p>20:6, 20:9, 20:17, 20:25, 21:3, 21:9, 21:12, 22:8, 22:14, 24:2, 24:5, 24:7, 24:10, 25:9, 25:11, 26:17, 27:19, 28:9, 29:23, 29:25, 30:15, 31:14, 31:20, 31:23, 33:2, 33:5, 33:24, 34:12, 34:13, 35:2, 35:8, 35:10, 35:12, 35:15, 38:16, 39:4, 39:20, 39:23, 40:2, 40:10, 43:5, 43:11, 43:14, 43:17, 43:19, 44:25, 45:10, 45:12, 45:24, 46:4, 46:12, 46:15, 47:4, 47:6, 47:10, 47:13, 48:12, 50:15, 50:22, 51:8, 51:10, 51:12, 51:15, 51:17, 51:19, 51:23, 52:5, 52:13, 52:15, 52:18, 54:1, 54:15, 54:25, 55:12, 55:25, 56:4, 56:22, 58:17, 58:20, 60:14, 61:11, 61:22, 62:9, 62:16, 62:19, 62:24, 63:7, 63:10, 63:20, 66:1, 66:18, 67:2, 67:5, 70:12, 71:25, 72:17, 72:20, 72:25, 74:17, 75:1, 75:4, 76:4, 76:20, 77:10, 78:4, 78:6, 78:8, 78:11, 78:13, 78:16, 79:5, 79:8, 79:17, 80:15, 81:3, 83:15, 83:18, 83:25, 84:17, 85:17, 85:21, 85:24, 86:2, 86:4, 87:12, 87:14, 88:6, 88:8, 89:12, 90:4, 90:15, 91:6, 95:2, 95:4, 95:9, 97:23, 98:2, 98:4, 98:12, 98:15, 99:1, 99:12, 101:13, 103:3, 103:13, 104:15, 104:25, 105:18, 105:21, 105:24, 106:4, 106:14, 106:16, 108:3, 108:8, 108:16, 112:18, 112:24, 113:2, 113:7, 113:24, 114:23, 114:25, 115:21, 117:25, 119:21, 119:24, 120:19, 121:6, 122:1, 124:12, 124:20, 124:25, 125:11, 126:1, 126:12, 126:18, 127:7, 127:13, 127:15, 128:2, 130:22, 132:20, 132:24, 133:16, 133:22, 135:22, 136:24, 139:13, 139:15, 140:17, 140:19, 140:21, 140:24, 141:17, 144:8, 145:3, 145:6, 145:8, 148:13, 148:16, 151:12, 151:22, 154:7, 154:19, 154:22, 155:9, 155:15,</p>
N			
<p>N [5] - 2:1, 3:1, 4:1, 164:1, 165:11</p> <p>Nail [1] - 67:11</p> <p>nail [11] - 65:4, 65:5, 67:7, 67:9, 67:13, 67:15, 70:4, 70:10, 72:7, 74:12, 74:22</p> <p>Nails [1] - 68:18</p> <p>name [38] - 4:6, 4:12, 7:17, 8:25, 21:1, 21:4, 21:6, 21:8, 21:11, 23:4, 23:6, 23:17, 23:19, 30:19, 30:23, 31:11, 31:13, 33:23, 34:8, 40:8, 49:14, 54:22, 55:1, 67:9, 72:9,</p>			

<p>156:21, 157:15, 157:18, 157:21, 159:6, 159:12, 159:15, 160:23, 161:11, 162:12, 162:15, 162:21, 162:22, 162:25, 163:10, 163:11, 166:15</p> <p>nobody [2] - 134:25, 158:21</p> <p>nod [1] - 4:19</p> <p>normal [4] - 81:25, 146:7, 155:22, 157:1</p> <p>normally [7] - 30:3, 30:5, 33:13, 71:15, 104:10, 148:19, 148:22</p> <p>not [73] - 4:18, 4:19, 5:2, 5:6, 5:12, 5:13, 5:24, 7:8, 7:17, 9:12, 11:3, 11:7, 21:10, 22:18, 26:15, 28:2, 28:7, 31:5, 31:7, 32:23, 33:5, 39:18, 40:25, 44:8, 44:16, 48:7, 52:10, 55:7, 55:14, 59:10, 60:1, 61:6, 61:13, 61:20, 63:24, 66:16, 69:17, 75:11, 75:16, 85:19, 93:23, 94:14, 96:4, 97:16, 100:6, 104:14, 107:19, 110:24, 118:5, 125:12, 126:10, 139:4, 141:10, 144:17, 148:11, 150:3, 152:4, 153:4, 153:8, 153:21, 153:24, 154:7, 156:1, 157:1, 157:14, 157:24, 159:15, 162:4, 162:8, 162:13, 163:3, 166:13</p> <p>Notary [3] - 1:21, 4:2, 166:7</p> <p>NOTARY [1] - 164:19</p> <p>note [3] - 17:18, 55:13, 162:20</p> <p>notes [2] - 20:18, 20:22</p> <p>nothing [1] - 162:7</p> <p>notice [3] - 79:13, 79:15, 153:25</p> <p>noticed [1] - 152:18</p> <p>now [59] - 10:7, 10:13, 11:6, 12:2, 16:3, 16:10, 18:17, 28:4, 31:24, 35:13, 35:16, 35:19, 39:17, 48:15, 49:10, 50:23, 67:6, 67:16, 68:23, 75:2, 76:14, 79:12, 80:24, 83:23, 87:19, 87:24, 89:15, 90:13, 91:7, 92:11, 94:19, 97:14, 98:21, 101:14, 103:24, 105:25, 108:21, 111:20, 118:14, 119:18, 119:25, 120:20, 127:18, 132:25, 134:5, 134:20, 139:22, 140:3, 140:9,</p>	<p>142:4, 143:2, 145:4, 145:25, 146:20, 147:10, 152:6, 154:23, 158:4, 162:4</p> <p>number [3] - 21:17, 21:21, 25:16</p> <p>numbers [2] - 21:19, 59:23</p> <p>numbing [2] - 146:18, 158:10</p> <p>numbness [1] - 59:18</p> <p>numerous [2] - 17:11, 137:13</p> <p>nurse [3] - 113:7, 123:17, 123:18</p>	<p>49:5, 49:10, 50:23, 51:13, 51:22, 52:10, 52:22, 53:4, 54:10, 54:21, 55:4, 55:11, 56:2, 56:10, 56:19, 57:7, 57:8, 57:22, 58:5, 58:9, 58:16, 58:18, 59:4, 59:7, 59:16, 59:18, 59:20, 60:10, 60:12, 61:16, 61:20, 62:7, 62:14, 63:5, 64:4, 64:6, 64:8, 66:19, 67:9, 67:24, 68:2, 68:4, 68:5, 68:7, 68:17, 68:20, 68:23, 69:7, 70:8, 72:9, 73:4, 73:5, 74:15, 76:19, 77:15, 79:23, 80:1, 80:4, 80:21, 82:5, 84:10, 84:18, 84:21, 85:3, 85:4, 85:7, 85:12, 85:16, 85:19, 86:15, 86:18, 88:9, 88:12, 88:14, 88:16, 88:18, 89:7, 89:20, 90:3, 90:18, 90:21, 91:10, 91:23, 91:25, 92:4, 92:8, 92:16, 92:17, 92:23, 93:1, 93:13, 93:25, 94:4, 94:23, 96:7, 96:9, 96:11, 99:24, 102:7, 102:25, 104:4, 104:12, 107:2, 108:1, 109:3, 109:9, 109:10, 109:24, 110:1, 110:20, 112:5, 113:1, 114:4, 114:13, 115:19, 116:19, 117:3, 117:6, 117:9, 118:3, 119:20, 119:22, 120:10, 120:12, 121:1, 121:7, 121:14, 121:22, 121:25, 122:2, 122:4, 122:8, 122:12, 122:14, 123:11, 123:21, 124:19, 126:3, 126:23, 127:23, 128:4, 128:5, 129:12, 130:8, 131:7, 132:12, 132:14, 133:9, 133:11, 133:20, 133:23, 133:25, 134:5, 134:20, 134:24, 134:25, 135:2, 135:4, 135:12, 135:14, 135:18, 135:23, 137:5, 137:10, 137:11, 137:17, 138:12, 139:17, 139:19, 140:4, 140:7, 140:9, 140:13, 140:15, 141:9, 142:8, 142:10, 142:20, 143:16, 143:21, 143:23, 144:8, 144:9, 144:10, 144:16, 144:17, 144:21, 145:1, 145:2, 145:4, 145:5, 145:7, 147:2, 147:5, 147:8, 147:12, 147:14, 147:18, 148:1, 148:4, 148:20, 148:25,</p>	<p>149:2, 149:19, 150:5, 150:12, 150:18, 150:25, 151:1, 151:16, 151:21, 152:12, 152:16, 152:18, 152:21, 153:6, 153:14, 153:24, 154:7, 154:17, 155:2, 155:8, 155:17, 156:2, 156:5, 157:7, 157:11, 157:14, 157:15, 157:16, 157:22, 157:23, 157:24, 158:3, 158:14, 158:20, 158:24, 159:4, 159:10, 159:25, 160:12, 160:14, 160:17, 161:24, 161:25, 162:23, 163:9, 163:13, 164:7, 164:16, 165:19, 166:8, 166:11, 166:14, 166:15, 166:18</p> <p>off [10] - 75:18, 75:19, 75:21, 75:25, 83:17, 145:4, 155:3, 155:4, 155:8</p> <p>office [3] - 136:14, 144:14, 150:21</p> <p>officer [23] - 47:9, 47:12, 49:11, 49:13, 96:16, 103:11, 105:6, 106:19, 107:16, 107:18, 108:12, 108:13, 111:10, 112:4, 112:21, 116:2, 116:5, 116:23, 117:15, 152:19, 152:22</p> <p>Officer [6] - 1:7, 1:7, 2:9, 2:10, 161:12, 161:14</p> <p>officers [41] - 78:5, 78:7, 96:8, 97:14, 97:25, 98:5, 98:10, 98:16, 98:21, 98:24, 99:15, 99:24, 100:2, 100:17, 101:14, 101:25, 102:2, 102:6, 102:7, 102:23, 103:19, 104:20, 104:22, 104:24, 105:3, 105:25, 106:25, 107:23, 108:1, 108:22, 109:5, 111:8, 116:14, 117:9, 121:7, 122:4, 125:4, 125:5, 125:6, 133:1, 153:14</p> <p>offices [2] - 32:11, 32:23</p> <p>Offices [2] - 38:13, 38:15</p> <p>official [2] - 1:9, 2:11</p> <p>often [1] - 147:20</p> <p>okay [20] - 10:23, 27:13, 33:3, 40:5, 46:7, 48:8, 58:9, 59:4, 62:23, 68:6, 69:3, 74:7, 76:8, 114:4, 119:18, 125:8, 131:12, 136:18, 144:13, 144:16</p> <p>old [3] - 24:17, 33:4, 119:12</p> <p>older [4] - 24:20, 107:20,</p>
O			
<p>O [4] - 3:1, 4:1, 9:1, 164:1</p> <p>oath [4] - 3:9, 5:21, 5:25</p> <p>objection [4] - 17:18, 55:13, 137:3, 162:20</p> <p>objections [1] - 3:16</p> <p>objects [1] - 146:24</p> <p>observe [2] - 79:9, 85:23</p> <p>obstruction [1] - 126:23</p> <p>obtain [2] - 26:25, 27:4</p> <p>obtained [2] - 25:4, 25:25</p> <p>obtaining [1] - 25:7</p> <p>occasion [1] - 158:6</p> <p>occasions [2] - 51:21, 51:24</p> <p>occur [2] - 48:21, 131:23</p> <p>occurred [4] - 46:25, 117:4, 132:1, 158:24</p> <p>OF [5] - 1:1, 1:7, 2:9, 166:3, 166:4</p> <p>of [351] - 1:17, 1:19, 1:22, 3:6, 3:7, 3:10, 3:12, 3:13, 3:16, 4:2, 6:9, 6:23, 7:8, 7:24, 8:25, 9:2, 9:21, 9:22, 10:11, 10:13, 12:7, 13:9, 15:10, 15:13, 16:22, 17:3, 17:6, 17:7, 17:15, 17:21, 18:1, 19:7, 19:11, 20:1, 20:11, 20:12, 21:11, 21:13, 22:18, 22:23, 24:3, 25:20, 27:12, 27:20, 28:18, 29:2, 31:3, 31:16, 31:18, 31:22, 32:4, 32:25, 34:2, 34:8, 35:14, 37:2, 38:7, 39:4, 39:18, 39:19, 40:8, 40:14, 40:18, 41:10, 42:16, 43:15, 43:20, 44:12, 44:20, 45:23, 46:14, 46:17, 46:20, 47:2, 47:7, 47:11, 47:14, 48:8, 48:11, 48:16, 48:23, 49:1,</p>			

<p>146:9, 149:3 on [176] - 6:14, 13:6, 20:5, 20:16, 21:15, 21:19, 22:6, 25:1, 25:12, 25:20, 28:21, 29:7, 29:16, 38:21, 41:9, 43:22, 43:24, 44:2, 44:23, 49:4, 50:6, 51:4, 51:9, 51:11, 57:5, 58:8, 58:12, 59:4, 59:23, 60:19, 61:16, 61:23, 62:6, 64:5, 65:16, 68:15, 70:3, 70:23, 71:4, 72:8, 72:13, 73:1, 73:6, 73:7, 73:9, 73:15, 73:20, 74:1, 74:4, 74:7, 74:11, 74:18, 74:22, 74:23, 75:3, 75:7, 75:10, 75:12, 75:13, 75:14, 75:17, 75:19, 76:5, 76:6, 76:8, 76:9, 76:14, 76:24, 77:1, 77:5, 77:16, 77:23, 78:1, 78:5, 78:7, 78:10, 78:15, 78:18, 78:20, 78:21, 78:23, 78:24, 79:4, 79:6, 79:10, 79:22, 80:3, 80:9, 81:9, 81:15, 81:18, 81:20, 82:16, 82:17, 82:19, 82:20, 82:24, 83:2, 83:9, 83:13, 83:16, 83:20, 83:23, 85:3, 86:8, 86:10, 87:3, 87:9, 87:10, 87:11, 87:13, 88:18, 88:24, 89:18, 89:20, 90:8, 90:13, 90:17, 91:11, 93:16, 98:24, 100:14, 100:15, 100:16, 101:15, 101:22, 102:11, 102:23, 103:24, 104:12, 104:16, 107:7, 111:22, 113:16, 113:21, 116:8, 125:2, 127:16, 128:3, 131:6, 134:1, 134:6, 134:11, 134:14, 135:8, 138:13, 138:14, 141:14, 144:22, 146:12, 146:16, 146:19, 146:23, 147:2, 147:6, 147:11, 147:13, 148:6, 148:18, 152:7, 152:13, 155:3, 155:4, 155:7, 155:8, 155:9, 160:21, 161:7 once [20] - 11:21, 18:8, 52:4, 57:3, 57:4, 65:13, 84:19, 87:24, 89:15, 91:14, 95:5, 99:18, 100:9, 107:9, 108:4, 112:12, 130:2, 143:15, 152:23 one [45] - 12:17, 30:6, 34:3, 75:10, 76:5, 77:20, 78:2, 79:21, 80:11, 81:8, 85:12, 86:25, 90:23, 91:1, 92:4, 95:11, 96:7, 96:20,</p>	<p>100:18, 105:6, 109:10, 109:11, 109:12, 111:9, 112:5, 114:13, 117:9, 121:9, 121:10, 125:20, 126:23, 133:9, 133:10, 133:12, 146:9, 147:11, 147:13, 149:5, 156:15, 158:15, 158:20 one-way [5] - 75:10, 76:5, 77:20, 79:21, 126:23 ones [1] - 114:2 ongoing [1] - 156:16 only [4] - 100:17, 106:23, 140:11, 150:3 onto [14] - 49:5, 70:22, 73:18, 73:24, 74:6, 76:12, 77:4, 79:12, 79:15, 80:24, 86:22, 89:18, 100:14, 158:15 open [6] - 73:8, 80:10, 122:11, 152:25, 158:9 openly [1] - 117:5 opportunity [13] - 38:4, 38:10, 38:17, 38:20, 38:23, 39:10, 39:15, 150:3, 150:6, 150:11, 150:16, 150:20, 151:18 opposite [1] - 146:6 or [209] - 4:19, 6:5, 7:3, 7:6, 8:20, 9:14, 11:12, 11:24, 12:7, 13:15, 15:11, 15:13, 16:14, 16:16, 16:19, 17:1, 18:4, 18:17, 18:22, 19:6, 20:1, 20:10, 20:11, 20:14, 20:15, 20:18, 20:22, 22:15, 27:21, 28:5, 29:19, 29:24, 30:6, 30:8, 30:25, 34:23, 39:25, 41:24, 43:12, 45:1, 45:4, 47:20, 49:8, 50:20, 52:17, 53:2, 54:19, 54:24, 55:20, 56:10, 56:22, 57:3, 57:10, 58:18, 59:6, 59:11, 59:21, 62:25, 63:5, 63:9, 63:22, 64:10, 64:22, 65:10, 66:21, 70:5, 70:6, 71:9, 71:10, 71:17, 73:21, 74:2, 74:9, 75:11, 75:16, 77:16, 78:9, 78:18, 78:21, 78:24, 80:8, 80:16, 80:17, 80:20, 82:2, 82:4, 82:9, 84:25, 85:25, 88:13, 88:15, 89:16, 89:19, 89:25, 90:23, 91:2, 92:7, 93:9, 93:20, 94:22, 96:4, 96:7, 97:1, 97:18, 98:13, 99:7, 100:6, 100:17, 101:3, 101:4, 101:17, 101:19, 101:25, 102:23, 105:6, 106:18, 106:23,</p>	<p>109:3, 109:9, 110:2, 110:3, 111:6, 113:3, 113:21, 114:12, 116:5, 117:24, 119:10, 119:14, 121:14, 122:14, 122:25, 123:16, 123:17, 123:23, 124:23, 125:6, 128:1, 128:13, 129:12, 130:5, 130:15, 130:17, 131:2, 131:23, 132:17, 133:9, 135:8, 135:10, 135:15, 137:7, 138:25, 139:9, 139:10, 141:13, 141:18, 141:19, 141:20, 142:10, 144:9, 144:17, 144:24, 145:10, 146:5, 146:18, 146:19, 146:21, 146:22, 146:24, 147:12, 148:3, 149:10, 151:20, 152:20, 152:23, 154:10, 154:12, 154:15, 155:8, 155:23, 156:16, 157:6, 158:12, 159:7, 160:18, 160:22, 162:9, 162:21, 163:8, 166:14 order [10] - 15:11, 15:13, 15:14, 41:8, 42:18, 130:13, 141:21, 146:13, 147:15 Order [1] - 1:19 ordered [3] - 46:7, 46:10, 46:13 organization [2] - 40:14, 41:10 original [2] - 3:7, 3:13 originally [1] - 71:5 orthopedic [3] - 137:13, 137:22, 137:23 other [49] - 12:6, 12:7, 12:10, 12:13, 12:16, 14:1, 17:4, 18:5, 19:25, 20:4, 20:7, 21:1, 26:21, 27:14, 28:5, 30:8, 31:21, 31:22, 35:14, 57:13, 60:13, 63:6, 63:9, 63:17, 77:11, 77:14, 83:21, 94:21, 94:25, 96:20, 98:24, 101:14, 101:25, 102:2, 106:15, 108:22, 114:20, 114:24, 124:23, 124:25, 130:17, 147:13, 147:23, 153:17, 156:5, 156:10, 156:13, 159:13 otherwise [6] - 5:9, 35:17, 56:2, 63:14, 98:13, 135:15 our [2] - 117:6, 161:24 out [26] - 8:24, 25:15, 41:8, 44:20, 44:23, 56:18, 60:12, 61:16, 61:20, 65:6,</p>	<p>66:15, 72:5, 73:5, 81:1, 94:12, 96:20, 107:2, 130:5, 144:10, 147:5, 147:14, 148:23, 149:2, 153:24, 157:23, 157:24 outcome [4] - 13:9, 132:9, 160:14, 166:15 outside [5] - 45:23, 71:17, 73:8, 131:2, 131:23 outstanding [1] - 140:22 over [22] - 8:20, 46:20, 75:22, 75:23, 77:9, 78:10, 88:22, 94:24, 99:4, 99:10, 107:12, 111:3, 111:4, 123:14, 124:14, 137:3, 141:23, 144:20, 145:7, 145:19, 146:24, 154:15 over-the-counter [1] - 123:14 own [3] - 50:6, 127:16, 149:4</p>
P			
<p>P [3] - 2:1, 3:1 P.M [1] - 163:13 p.m [1] - 128:11 pace [1] - 61:2 pack [1] - 69:21 packed [1] - 69:22 pads [1] - 143:20 PAGE [3] - 165:5, 165:13, 165:18 page [1] - 68:17 paid [7] - 30:8, 30:16, 33:17, 66:22, 71:12, 144:11, 157:19 pain [87] - 7:14, 8:1, 8:14, 10:3, 10:24, 11:1, 29:8, 54:12, 54:13, 56:15, 57:6, 58:6, 58:7, 58:9, 58:12, 58:15, 58:23, 58:25, 59:1, 59:5, 59:7, 59:16, 59:21, 62:4, 62:5, 88:22, 91:16, 91:18, 91:22, 91:23, 91:25, 92:2, 92:3, 92:5, 92:9, 92:12, 92:14, 92:16, 92:20, 92:22, 93:1, 93:3, 93:5, 93:6, 93:9, 93:11, 93:13, 93:15, 93:18, 93:19, 93:23, 93:25, 94:21, 94:25, 106:8, 106:11, 110:12, 110:17, 110:19, 113:14, 115:3, 115:5, 119:9, 120:11, 120:12, 123:5, 123:13, 124:1, 124:6, 134:3, 134:12, 134:13, 134:15, 136:8, 141:15, 142:4, 142:20,</p>			

<p>144:3, 145:10, 158:5 PANEK [1] - 2:3 paranoia [2] - 152:19, 153:14 parent [1] - 128:23 parents [2] - 24:17, 153:21 park [1] - 80:3 Park [17] - 35:23, 35:24, 36:1, 36:14, 37:2, 37:5, 37:11, 37:20, 37:22, 38:3, 39:3, 39:7, 39:13, 39:19, 39:22, 40:24, 40:25 parked [9] - 79:22, 79:25, 80:21, 81:23, 82:3, 86:7, 86:22, 87:25, 88:2 parking [2] - 80:9, 80:23 parole [2] - 15:18, 51:11 part [8] - 86:15, 86:18, 88:9, 88:12, 90:18, 92:8, 122:11, 158:24 partially [1] - 85:16 particular [1] - 64:22 parties [4] - 3:5, 12:20, 52:1, 166:14 party [8] - 14:7, 14:18, 14:23, 15:1, 15:4, 15:7, 41:9, 155:11 pass [1] - 82:17 passed [4] - 16:13, 35:3, 113:3, 151:15 passenger [2] - 85:11, 85:12 passing [2] - 29:11, 82:23 past [1] - 82:24 pat [1] - 101:3 path [1] - 78:25 pay [3] - 126:10, 144:10, 150:5 paying [3] - 140:13, 140:16, 140:20 pedal [1] - 146:13 pedestrians [1] - 102:24 pendency [1] - 21:11 pending [1] - 6:18 people [16] - 99:3, 99:7, 99:10, 102:23, 102:24, 109:3, 116:24, 118:20, 119:20, 122:6, 124:18, 124:23, 124:25, 125:2, 127:9, 152:25 per [1] - 30:10 perform [2] - 151:22, 153:2 performing [1] - 156:1 period [2] - 44:12, 113:1 peripheral [1] - 85:25 person [15] - 18:4, 31:8,</p>	<p>45:1, 45:4, 108:4, 108:15, 109:1, 118:22, 118:25, 119:3, 119:4, 119:6, 119:8, 146:9, 155:22 person's [1] - 31:11 personal [1] - 149:4 personnel [3] - 113:9, 122:22, 123:4 phone [8] - 18:4, 69:17, 69:23, 69:25, 101:8, 104:7, 135:8, 135:11 phones [1] - 135:12 phonetic [1] - 55:2 photo [4] - 68:2, 68:4, 122:14, 135:14 Photograph [2] - 67:23, 165:7 photographs [4] - 130:20, 135:4, 135:21, 165:21 photos [9] - 121:25, 122:2, 122:14, 134:20, 134:23, 135:1, 135:14, 135:17, 135:23 physical [5] - 7:3, 7:6, 58:18, 133:25, 134:5 physically [5] - 33:3, 95:10, 101:2, 104:6, 151:21 pick [3] - 109:1, 129:14, 146:24 picking [2] - 32:17, 87:17 picture [2] - 68:24, 122:12 pictures [6] - 121:23, 122:4, 122:8, 134:22, 134:24, 134:25 pillow [1] - 144:22 place [5] - 73:9, 94:24, 146:9, 147:14, 164:8 placed [3] - 49:15, 99:18, 124:10 plain [2] - 119:14, 119:15 PLAINTIFF [1] - 1:3 Plaintiff [4] - 1:17, 2:3, 18:2, 165:20 plaintiff [3] - 12:11, 135:5, 165:22 Plaintiff's [1] - 67:24 plan [1] - 140:18 planing [2] - 65:16, 70:23 plans [3] - 64:24, 65:1, 67:3 plates [3] - 29:10, 32:17 play [4] - 149:10, 149:12, 149:17, 149:19 playing [1] - 13:8 plea [2] - 127:12, 127:13</p>	<p>Please [1] - 4:6 please [10] - 4:18, 4:22, 5:13, 5:16, 6:17, 21:21, 25:15, 25:18, 73:14 plotnick [3] - 145:17, 145:18, 145:23 Plotnick [1] - 145:20 pocket [7] - 49:3, 49:9, 70:3, 73:8, 104:9, 104:10, 144:10 pockets [3] - 101:3, 101:5, 101:7 poetry [2] - 148:5, 149:8 point [21] - 23:11, 44:7, 60:16, 72:18, 75:2, 75:5, 75:25, 76:8, 77:8, 77:11, 82:18, 83:2, 83:12, 88:19, 89:2, 99:21, 101:14, 109:20, 140:12, 154:3, 157:17 poisoned [1] - 158:13 poked [1] - 158:12 Police [8] - 1:7, 1:7, 2:9, 2:10, 152:13, 161:12, 161:14, 163:9 police [24] - 47:9, 47:11, 49:11, 49:13, 49:15, 78:5, 78:7, 95:18, 99:11, 102:23, 103:11, 103:19, 104:20, 104:22, 109:5, 110:10, 111:8, 112:4, 116:2, 120:8, 121:18, 152:19, 152:22, 153:14 Port [1] - 41:13 portion [5] - 85:4, 85:7, 85:12, 86:25, 88:16 position [3] - 40:5, 40:16, 42:1 positioned [2] - 102:14, 102:17 possible [1] - 44:23 posted [1] - 160:21 pounds [3] - 22:5, 22:10, 22:13 PR [10] - 53:19, 53:22, 55:20, 55:22, 136:6, 136:20, 136:25, 137:2, 137:14, 144:21 Precinct [5] - 117:21, 120:6, 120:20, 120:24, 121:12 precinct [16] - 47:14, 47:17, 49:17, 49:19, 106:6, 106:20, 106:22, 106:25, 107:9, 107:13, 116:19, 124:18, 129:14, 129:22, 129:25, 130:13 precise [1] - 146:19 preparation [1] - 33:2 prepare [3] - 18:3, 19:7,</p>	<p>32:14 prepared [2] - 20:24, 32:15 preparing [2] - 29:13, 42:17 prescribe [3] - 54:5, 54:8, 139:14 prescribed [7] - 8:20, 8:21, 11:3, 61:23, 62:1, 62:3, 62:14 prescription [3] - 8:22, 56:23, 62:23 presence [1] - 17:7 PRESENT [1] - 2:17 present [8] - 16:25, 17:13, 17:17, 18:13, 31:24, 118:6, 118:15, 127:8 presently [2] - 1:9, 2:12 pressure [3] - 94:2, 94:3, 94:20 pretty [3] - 131:12, 149:1, 150:24 previously [1] - 162:4 primarily [2] - 149:9, 151:1 primary [1] - 136:23 prior [24] - 31:24, 32:20, 33:6, 34:4, 42:11, 53:14, 62:7, 62:22, 63:14, 66:8, 66:25, 70:1, 75:16, 75:17, 85:22, 86:11, 89:7, 109:2, 149:16, 149:23, 150:4, 151:13, 152:6, 154:18 private [2] - 32:23, 126:10 probably [3] - 96:20, 97:13, 111:7 probation [1] - 51:9 problem [3] - 52:22, 146:20, 153:11 problems [6] - 52:14, 52:17, 132:17, 144:24, 145:22, 158:21 Procedure [1] - 1:19 proceeding [4] - 14:19, 15:2, 15:5, 15:8 process [1] - 97:20 processed [3] - 120:25, 121:5, 121:21 processing [1] - 107:12 production [3] - 18:1, 135:4, 165:19 professionals [1] - 145:13 program [7] - 27:21, 36:11, 36:24, 40:1, 40:2, 40:9 propelled [1] - 87:19</p>
---	--	---	--

<p>protection [1] - 15:13 protective [1] - 15:10 protocol [1] - 126:3 provide [4] - 58:5, 137:11, 141:11, 141:16 providers [2] - 115:20, 135:23 psychiatrist [1] - 139:9 psychological [3] - 46:14, 137:14, 138:23 psychologist [1] - 139:9 psychology [1] - 26:24 public [3] - 45:7, 48:18, 49:1 Public [3] - 1:22, 4:2, 166:7 PUBLIC [1] - 164:19 pull [2] - 77:8, 149:1 pull-ups [1] - 149:1 pulled [1] - 78:10 purpose [1] - 4:13 pursuant [1] - 1:18 pursue [1] - 150:10 pursued [1] - 150:9 purveyor [2] - 28:19, 41:24 push [1] - 149:1 push-ups [1] - 149:1 put [21] - 21:15, 21:18, 25:17, 49:3, 49:4, 58:8, 69:25, 73:7, 89:19, 97:20, 98:1, 98:3, 100:14, 108:6, 108:7, 111:22, 114:24, 138:14, 147:10, 147:12 putting [1] - 104:21</p>	<p style="text-align: center;">R</p> <p>R [6] - 2:1, 3:1, 4:1, 164:1, 166:1 radiates [2] - 134:15, 134:16 radiating [1] - 134:13 rains [1] - 60:21 raise [1] - 56:2 raised [2] - 55:4, 55:7 raising [3] - 55:10, 55:15, 56:1 ran [3] - 44:20, 56:18, 151:12 random [1] - 102:22 randomly [1] - 152:18 ranked [1] - 107:16 ranking [1] - 107:17 rarely [2] - 52:3, 160:19 rate [1] - 59:6 rather [1] - 118:5 react [2] - 157:7, 157:8 read [2] - 118:13, 152:4 realize [2] - 6:4, 60:3 realized [1] - 154:11 really [8] - 64:11, 76:19, 82:23, 92:17, 94:3, 97:5, 107:11, 154:9 rear [1] - 85:6 reason [9] - 6:25, 10:25, 21:10, 31:5, 49:3, 64:22, 66:11, 142:25, 154:8 reasons [1] - 158:20 recall [89] - 8:16, 11:23, 12:21, 13:10, 16:20, 16:23, 18:9, 33:16, 33:17, 33:21, 34:6, 34:20, 39:17, 42:5, 42:23, 43:3, 44:4, 44:16, 48:19, 53:20, 55:10, 55:23, 57:1, 57:25, 58:8, 58:9, 58:12, 63:18, 63:21, 64:12, 64:20, 65:18, 66:8, 66:19, 67:9, 71:5, 71:12, 72:1, 78:9, 78:12, 78:14, 79:22, 80:21, 81:10, 83:1, 83:7, 83:13, 83:17, 85:4, 88:9, 90:2, 94:13, 95:14, 97:25, 98:10, 98:13, 99:2, 101:6, 102:2, 105:1, 105:3, 105:14, 105:19, 108:15, 109:12, 109:16, 112:3, 113:18, 114:16, 114:20, 115:1, 115:4, 115:18, 118:16, 118:17, 119:8, 119:12, 123:22, 123:23, 126:18, 127:23, 128:7, 131:17, 133:11, 136:16, 137:25, 141:14, 159:15, 160:1</p>	<p>receive [10] - 26:20, 28:5, 30:14, 35:14, 56:19, 58:2, 111:21, 138:2, 138:12, 143:16 received [17] - 43:10, 43:15, 45:7, 45:9, 45:11, 45:13, 45:15, 61:6, 61:12, 61:15, 61:19, 137:19, 138:9, 138:22, 142:23, 142:25, 151:12 receiving [4] - 53:2, 55:23, 114:20, 141:2 recently [2] - 10:18, 52:19 recess [2] - 64:2, 118:9 recognizance [2] - 50:6, 127:16 recognize [1] - 68:10 recollection [3] - 39:18, 69:7, 82:6 recommended [2] - 142:15, 144:8 record [4] - 4:6, 21:19, 117:25, 166:11 recorder [1] - 118:4 recording [1] - 117:6 recovery [3] - 44:24, 45:2, 45:5 refer [3] - 16:16, 16:19, 136:25 referred [3] - 118:12, 137:2, 144:15 referred-to [1] - 118:12 referring [2] - 19:17, 49:11 refill [1] - 56:19 regarding [3] - 19:6, 20:11, 20:19 regular [2] - 80:23, 104:21 regularly [3] - 8:2, 62:8, 136:20 rehab [1] - 144:17 relate [1] - 61:13 related [2] - 127:19, 166:13 relating [1] - 135:21 relation [1] - 133:17 relationship [9] - 153:11, 155:2, 155:3, 155:4, 155:10, 155:17, 155:21, 156:16, 156:22 relationships [4] - 154:25, 156:5, 156:11, 156:13 relax [1] - 66:10 released [2] - 50:6, 127:16 relief [5] - 54:12, 56:15,</p>	<p>141:8, 141:11, 141:16 relieved [1] - 142:20 relive [1] - 152:20 remember [131] - 9:3, 9:20, 12:23, 23:23, 23:25, 24:19, 26:15, 28:7, 35:6, 37:14, 41:21, 46:2, 46:6, 46:24, 47:8, 47:22, 48:14, 49:14, 50:13, 50:19, 50:25, 52:25, 53:6, 54:4, 55:6, 55:15, 55:17, 55:18, 56:25, 57:13, 58:14, 62:2, 62:13, 63:24, 64:9, 64:11, 66:24, 66:25, 69:20, 71:4, 71:20, 78:19, 79:24, 79:25, 80:2, 81:22, 82:25, 83:11, 83:19, 83:22, 84:8, 84:10, 86:19, 88:2, 88:17, 89:10, 90:24, 91:13, 96:3, 96:9, 96:15, 96:17, 96:21, 98:18, 98:19, 99:9, 99:10, 99:23, 100:3, 100:8, 100:21, 100:22, 101:8, 101:9, 102:8, 102:10, 104:1, 104:2, 107:8, 107:25, 108:12, 108:23, 109:9, 109:14, 110:7, 110:16, 110:24, 111:10, 111:25, 112:2, 112:7, 112:8, 112:25, 113:7, 113:12, 113:13, 114:2, 114:3, 114:9, 114:13, 114:15, 114:18, 115:19, 116:13, 119:2, 119:13, 120:13, 121:4, 125:18, 125:19, 126:20, 127:1, 128:15, 129:11, 130:7, 130:25, 135:10, 135:25, 139:2, 139:21, 140:2, 145:24, 152:20, 159:9, 160:5, 160:10, 161:2, 161:5, 161:25, 162:4, 162:5 removed [1] - 99:24 removing [1] - 101:6 renewed [1] - 25:24 rent [7] - 43:21, 43:22, 44:2, 44:8, 44:14, 44:17, 66:19 repeat [24] - 5:2, 15:6, 16:18, 17:8, 17:19, 19:21, 20:13, 20:21, 23:13, 24:13, 27:16, 35:18, 45:3, 46:9, 53:3, 61:14, 78:22, 79:14, 87:5, 97:12, 120:2, 127:4, 134:2, 161:19 rephrase [4] - 5:7, 17:9, 131:22, 156:10 report [1] - 31:9 reported [1] - 31:15</p>
<p style="text-align: center;">Q</p> <p>Queens [8] - 21:24, 26:13, 28:24, 40:12, 48:22, 53:21, 136:8, 143:6 question [39] - 5:1, 5:2, 5:5, 5:7, 5:10, 5:12, 5:16, 5:18, 6:18, 10:12, 11:16, 12:12, 15:6, 16:18, 17:8, 17:19, 20:13, 20:21, 31:6, 35:18, 44:13, 45:3, 46:9, 53:3, 61:14, 62:18, 78:22, 79:14, 82:22, 87:5, 97:4, 97:12, 118:10, 118:12, 131:6, 131:22, 134:2, 150:18, 162:3 questioned [1] - 158:20 questions [7] - 4:14, 110:6, 112:1, 113:12, 116:11, 162:1, 163:11 quick [1] - 118:7 qureshi [1] - 53:23 Qureshi [6] - 53:24, 54:2, 54:5, 54:16, 54:20, 55:3</p>			

reporter [3] - 4:19, 4:23, 5:17 Reporter [2] - 67:25, 118:13 represent [1] - 4:12 represented [4] - 13:18, 15:20, 16:4, 17:4 representing [1] - 15:23 REQUESTED [1] - 165:17 required [1] - 29:19 RER [1] - 1:5 reserved [1] - 3:16 reside [1] - 22:21 resided [1] - 23:9 residence [3] - 22:23, 24:6, 24:9 residency [1] - 23:12 resist [1] - 47:5 resistance [1] - 144:22 resisting [3] - 47:7, 98:14, 126:24 respect [5] - 55:24, 57:17, 58:21, 100:10, 150:11 respective [1] - 3:5 respond [7] - 102:25, 103:1, 103:23, 106:3, 106:13, 109:15, 116:12 response [3] - 4:20, 119:16, 124:6 responses [1] - 4:18 rest [3] - 59:10, 60:1, 129:12 restaurant [3] - 37:4, 40:15, 41:24 restaurant/bar [1] - 41:11 restraining [2] - 15:11, 15:14 result [7] - 47:14, 57:8, 133:25, 134:5, 145:1, 152:12, 157:11 retained [1] - 165:9 return [3] - 127:19, 127:21, 130:8 Review [1] - 159:20 review [4] - 6:9, 6:10, 19:6, 19:10 revoked [1] - 25:8 ride [6] - 61:3, 76:4, 76:20, 82:15, 111:13 riding [19] - 72:19, 72:21, 75:2, 75:5, 75:7, 75:11, 75:16, 80:25, 81:1, 81:2, 81:4, 81:9, 81:10, 81:13, 81:18, 82:13, 82:16, 83:24, 84:2 right [71] - 9:11, 10:13,	22:15, 22:16, 27:24, 39:17, 49:6, 57:20, 68:23, 73:16, 73:25, 74:6, 75:15, 77:7, 77:23, 79:2, 80:1, 81:15, 81:19, 81:20, 81:21, 81:24, 82:10, 82:14, 85:9, 85:10, 85:11, 86:5, 86:7, 86:10, 87:19, 87:22, 87:23, 88:14, 88:16, 88:18, 88:24, 88:25, 90:24, 91:19, 92:12, 92:13, 93:7, 93:8, 93:21, 98:6, 99:16, 100:8, 101:23, 103:15, 104:14, 104:17, 110:20, 110:22, 112:17, 113:17, 114:12, 115:6, 115:16, 118:20, 119:19, 121:11, 134:12, 141:13, 144:14, 144:15, 147:4, 147:10, 158:3, 159:21 right-hand [1] - 68:23 right-handed [2] - 22:15, 22:16 Rights [2] - 14:13, 14:16 rises [1] - 148:21 River [17] - 35:23, 35:24, 36:1, 36:14, 37:2, 37:5, 37:11, 37:20, 37:22, 38:3, 39:2, 39:7, 39:13, 39:19, 39:22, 40:24, 40:25 rock [6] - 146:4, 147:19, 147:20, 147:22, 147:24, 149:8 rode [1] - 77:1 Rodriguez [12] - 4:7, 4:10, 21:2, 23:19, 23:21, 24:1, 24:8, 24:11, 24:14, 51:13, 54:24, 64:3 RODRIGUEZ [4] - 1:2, 1:18, 2:4, 164:12 room [1] - 148:24 Ross [3] - 138:1, 139:22, 142:16 ross [1] - 139:25 roughly [1] - 65:12 route [1] - 72:6 rubbing [2] - 143:20, 143:21 rules [2] - 4:17, 6:23 Rules [1] - 1:19 run [5] - 92:4, 146:4, 146:8, 153:4, 158:10 runner [4] - 37:6, 40:17, 40:18, 42:2 résumé [1] - 150:6	4:1, 9:1, 163:4, 165:1 safe [1] - 33:12 said [30] - 13:23, 27:1, 37:7, 50:16, 50:23, 55:14, 66:16, 72:10, 82:23, 87:1, 87:20, 96:16, 97:9, 101:19, 103:12, 104:16, 106:11, 109:12, 112:7, 118:20, 118:22, 119:3, 119:8, 125:9, 140:3, 140:24, 142:4, 143:2, 144:11, 144:13 sake [1] - 53:8 salary [1] - 33:15 Salon [1] - 67:11 salon [11] - 65:4, 65:5, 67:7, 67:9, 67:13, 67:15, 70:4, 70:11, 72:7, 74:13, 74:22 same [27] - 3:9, 3:11, 3:13, 5:25, 25:1, 32:16, 33:1, 37:15, 39:8, 40:23, 41:17, 44:6, 59:24, 92:15, 93:8, 116:5, 139:18, 150:9, 152:4, 152:21, 153:2, 153:3, 153:4, 153:21, 153:25, 154:15 sat [1] - 100:14 savings [2] - 44:20, 157:12 saw [13] - 10:9, 53:22, 55:3, 55:10, 76:15, 91:15, 96:4, 103:9, 103:20, 117:16, 124:8, 139:10, 139:22 say [73] - 4:18, 9:18, 9:20, 10:7, 10:13, 12:12, 16:9, 16:15, 32:19, 33:2, 33:3, 33:12, 34:13, 37:9, 39:2, 39:4, 47:20, 49:6, 51:24, 52:2, 53:13, 55:9, 58:25, 59:10, 60:1, 62:17, 66:14, 71:21, 74:9, 80:19, 81:25, 82:11, 85:6, 85:9, 85:10, 86:17, 87:15, 87:21, 88:14, 90:20, 92:10, 95:17, 96:11, 96:14, 98:17, 100:20, 101:21, 102:8, 103:22, 106:5, 106:7, 106:9, 110:19, 118:2, 119:16, 128:4, 128:9, 129:7, 129:10, 130:11, 141:20, 142:2, 142:10, 144:16, 145:9, 147:3, 147:23, 148:5, 148:9, 154:14, 156:13, 157:4, 158:23 saying [8] - 97:10, 98:19, 100:22, 103:5, 117:10, 140:11, 151:19, 161:22	says [2] - 68:7, 68:18 scale [5] - 59:4, 59:23, 59:24, 92:2, 93:18 scan [3] - 114:6, 114:8, 114:19 scar [2] - 58:4, 114:11 scared [5] - 139:18, 153:6, 158:12, 158:16, 158:17 scares [1] - 153:6 scattered [3] - 103:9, 104:4, 104:6 scattering [1] - 104:3 scene [5] - 98:24, 100:5, 101:15, 101:23, 130:8 scheduled [1] - 50:5 school [11] - 26:8, 26:10, 26:14, 26:16, 26:18, 26:20, 27:12, 27:15, 43:7, 151:25, 160:25 School [1] - 26:11 scratch [1] - 59:6 sealing [1] - 3:6 search [2] - 101:1, 135:20 searched [6] - 49:2, 100:16, 100:24, 101:17, 101:20, 101:22 season [1] - 159:1 seated [1] - 87:13 second [2] - 12:3, 48:15 secretary [1] - 107:25 security [4] - 21:17, 21:21, 43:10, 43:12 sedan [4] - 78:9, 84:7, 86:16, 87:7 see [29] - 10:2, 54:16, 68:7, 68:18, 77:8, 77:11, 77:14, 77:25, 78:3, 78:5, 78:7, 79:6, 85:25, 88:7, 95:25, 96:2, 96:4, 103:24, 108:1, 116:19, 117:12, 122:22, 123:16, 130:23, 133:9, 133:13, 145:21, 148:10, 152:8 seeing [7] - 9:24, 53:14, 78:9, 78:14, 83:13, 105:19, 156:11 seek [8] - 53:14, 53:17, 57:17, 57:22, 58:18, 136:2, 136:5, 159:4 seem [1] - 103:4 seems [1] - 68:24 seen [12] - 112:17, 112:19, 113:4, 113:6, 113:9, 119:22, 125:5, 133:6, 133:20, 137:23, 152:19, 159:7 seizure [1] - 158:7
S			
S [9] - 1:8, 2:1, 2:10, 3:1,			

semester [1] - 28:1 semi [2] - 87:10, 87:16 semi-hold [1] - 87:10 semi-maintain [1] - 87:16 sensation [2] - 134:17, 146:19 sent [1] - 117:9 separated [1] - 24:18 separating [1] - 80:17 separation [1] - 24:16 Sergeant [5] - 1:8, 2:10, 161:10, 161:18, 161:22 sergeant [4] - 116:22, 118:14, 118:17, 118:18 served [1] - 28:8 service [3] - 3:12, 32:9, 32:10 services [3] - 137:11, 141:3, 141:5 serving [2] - 29:10, 40:19 session [1] - 144:20 sessions [2] - 139:5, 139:7 set [5] - 29:19, 29:24, 127:14, 166:10, 166:17 setting [4] - 13:15, 13:17, 150:22, 150:24 seven [1] - 42:25 shake [1] - 4:19 shape [1] - 72:5 sharp [1] - 158:5 she [5] - 65:23, 124:6, 144:7, 149:4, 158:17 she's [1] - 149:3 Shield [4] - 1:7, 2:10 shift [2] - 30:6, 116:7 shifts [1] - 30:3 shirt [1] - 69:8 shock [2] - 91:10, 113:21 shook [1] - 91:9 shooting [4] - 59:1, 93:5, 93:15, 158:5 short [5] - 64:2, 94:10, 95:11, 118:9, 158:7 shorts [1] - 69:8 shots [2] - 142:14 should [2] - 20:5, 109:13 shoulder [4] - 88:22, 115:16, 134:13, 158:3 shoulders [1] - 158:2 show [4] - 32:16, 68:1, 114:8, 151:14 showed [2] - 109:6, 144:21 shown [2] - 19:19, 19:22 side [31] - 57:10, 68:23, 70:3, 73:4, 81:15, 81:20, 81:21, 85:3, 85:6, 85:9,	85:10, 85:11, 88:14, 88:15, 88:16, 88:18, 88:24, 88:25, 89:18, 91:19, 92:12, 92:13, 92:17, 93:9, 93:21, 107:7, 110:20, 113:17, 115:6 sides [2] - 80:3, 80:9 sidewalk [5] - 75:3, 78:18, 78:21, 78:24, 90:14 signed [3] - 3:8, 3:9, 3:12 significantly [1] - 32:19 silver [1] - 107:19 similar [1] - 94:20 simultaneously [1] - 38:8 since [29] - 9:12, 10:9, 24:3, 25:7, 27:15, 28:6, 29:2, 31:3, 31:15, 31:18, 44:7, 61:12, 61:19, 94:7, 94:9, 94:16, 119:22, 129:3, 133:6, 135:12, 144:16, 149:15, 150:2, 150:7, 152:9, 154:25, 156:5, 156:11, 157:16 single [3] - 80:16, 80:20, 82:9 sirens [2] - 79:3, 83:17 sit [1] - 149:1 sit-ups [1] - 149:1 sitting [8] - 22:4, 59:13, 59:24, 94:17, 113:22, 145:9, 147:10, 147:16 situations [1] - 156:8 six [4] - 35:7, 41:2, 56:14, 82:12 skeptical [1] - 152:24 sleep [5] - 8:5, 144:22, 144:24, 149:21, 152:10 Small [1] - 14:23 small [1] - 157:6 smallest [1] - 157:2 snap [1] - 147:5 so [114] - 4:19, 4:22, 5:17, 8:6, 10:17, 11:3, 13:14, 25:23, 29:14, 29:16, 30:1, 30:5, 32:22, 33:12, 39:2, 39:6, 39:13, 43:1, 46:16, 48:1, 48:10, 49:15, 54:13, 55:3, 55:7, 55:9, 59:23, 60:20, 61:5, 62:17, 69:23, 70:1, 70:18, 72:1, 72:12, 73:5, 73:14, 74:18, 74:23, 75:8, 75:10, 76:8, 76:19, 82:13, 84:21, 85:15, 86:25, 87:9, 87:11, 87:15, 89:4, 89:21, 89:22, 90:11, 92:24, 94:23, 95:5, 95:21, 102:11, 103:7, 104:6, 107:5, 108:4, 109:2, 112:9, 113:3,	113:22, 116:24, 117:13, 117:14, 118:20, 119:2, 121:7, 122:11, 122:13, 123:6, 123:22, 125:14, 128:5, 129:18, 130:17, 131:1, 131:12, 132:3, 132:21, 133:23, 134:3, 134:14, 134:22, 135:17, 140:15, 140:22, 141:7, 141:24, 142:19, 142:23, 144:24, 145:9, 147:15, 148:6, 148:21, 149:5, 149:7, 150:7, 150:15, 151:3, 151:10, 151:17, 152:25, 154:13, 154:14, 156:25, 162:7 social [7] - 21:17, 21:21, 43:10, 43:12, 51:21, 51:24, 160:17 socialize [1] - 152:16 soda [1] - 150:23 soft [1] - 58:4 Solutions [5] - 32:3, 34:9, 38:6, 38:16, 38:19 some [18] - 4:17, 16:3, 30:8, 60:16, 76:8, 97:18, 101:14, 109:20, 109:24, 113:9, 130:17, 134:22, 141:10, 144:9, 153:13, 154:3, 157:6, 161:25 somebody [5] - 113:4, 117:12, 118:23, 123:1, 160:8 someone [5] - 13:6, 31:9, 55:20, 124:11, 136:25 something [25] - 11:24, 13:16, 54:24, 58:8, 59:1, 59:6, 60:2, 68:18, 80:17, 84:25, 88:21, 92:4, 102:8, 109:13, 110:2, 110:3, 118:3, 123:17, 131:23, 139:10, 146:16, 146:22, 147:14, 157:7, 158:17 sometime [1] - 55:4 sometimes [5] - 29:21, 60:8, 147:3, 147:6, 157:2 somewhat [4] - 89:3, 141:12, 144:1, 145:4 somewhere [2] - 33:12, 55:21 sonnier [1] - 28:15 SONNIER [1] - 28:17 Sonnier [1] - 28:18 soon [2] - 60:2, 148:21 sorry [5] - 73:13, 96:1, 96:23, 158:25, 163:7 sort [41] - 27:20, 32:4, 37:2, 40:14, 43:15, 43:20, 46:14, 52:22, 57:7, 57:22,	58:5, 58:9, 58:16, 58:18, 59:16, 91:23, 92:16, 93:13, 93:25, 94:4, 104:12, 109:24, 110:1, 114:4, 120:10, 120:12, 123:11, 123:21, 133:23, 135:14, 138:12, 143:16, 143:21, 143:23, 144:9, 144:17, 145:1, 148:4, 150:12, 150:18, 159:25 sought [1] - 15:13 sounds [2] - 161:13, 161:16 source [2] - 31:22, 35:14 space [4] - 76:4, 76:20, 80:10, 82:5 sparkling [1] - 150:23 spasms [2] - 56:16, 115:3 speak [20] - 4:22, 18:25, 19:3, 50:24, 78:12, 102:7, 102:9, 102:16, 109:2, 113:11, 116:15, 116:18, 118:14, 118:25, 119:4, 119:6, 125:14, 128:1, 160:2, 160:8 speaking [8] - 66:25, 80:3, 112:4, 117:7, 117:12, 118:17, 133:24, 141:22 specific [2] - 59:23, 138:16 specifically [6] - 85:4, 88:15, 115:1, 124:1, 139:25, 145:20 specified [1] - 164:8 speed [1] - 84:15 speeding [1] - 86:5 spell [3] - 8:24, 28:16, 163:1 spend [3] - 43:22, 43:24, 138:6 spent [1] - 115:24 spine [6] - 134:9, 142:21, 144:23, 147:13, 158:4, 158:19 spoke [9] - 102:21, 109:8, 109:17, 117:4, 118:2, 122:25, 124:11, 160:4, 160:6 spoken [1] - 129:3 squad [1] - 107:2 Square [2] - 34:7, 41:16 SS [1] - 166:3 SSI [1] - 43:12 staff [4] - 109:2, 109:20, 115:2, 116:15 Staffing [20] - 32:3, 34:9, 34:10, 34:14, 34:16, 34:18, 34:21, 34:25, 35:5,
--	--	--	--

<p>35:13, 35:17, 35:20, 37:16, 37:18, 38:6, 38:16, 38:19, 39:8, 40:24, 41:18 stairs [2] - 146:8, 146:10 stamps [1] - 45:9 stand [2] - 144:3, 146:15 standing [3] - 88:7, 99:16, 146:23 stands [1] - 159:18 STARRANTINO [2] - 1:8, 2:10 Starrantino [3] - 161:10, 161:18, 161:22 starrantino [1] - 161:20 start [8] - 9:24, 10:5, 28:1, 53:11, 56:7, 80:24, 137:6, 142:7 started [10] - 37:13, 44:21, 53:1, 56:5, 56:10, 62:17, 62:20, 81:1, 87:4, 110:6 starting [1] - 37:2 State [5] - 1:22, 4:2, 14:13, 45:15, 166:8 state [3] - 4:6, 24:24, 104:13 STATE [1] - 166:3 STATES [1] - 1:1 station [3] - 29:13, 150:22, 150:24 stations [3] - 29:24, 32:14, 32:15 stay [3] - 30:5, 129:12, 130:6 stayed [1] - 154:15 steps [1] - 76:25 steroid [1] - 142:14 stiffness [1] - 91:25 still [13] - 59:13, 60:18, 87:3, 87:9, 87:11, 87:13, 89:1, 96:18, 99:21, 107:13, 135:17, 144:4, 145:22 STIPULATED [2] - 3:4, 3:15 stood [1] - 95:5 stop [10] - 23:21, 38:3, 42:3, 43:6, 60:24, 96:13, 97:6, 140:6, 142:9, 155:20 stopped [7] - 24:14, 34:25, 35:4, 39:13, 83:24, 109:13, 140:3 stopping [1] - 109:14 store [6] - 11:2, 42:15, 42:16, 71:15, 131:14, 131:17 stores [1] - 131:2 straight [5] - 60:25, 73:16, 78:4, 146:5, 147:15</p>	<p>street [24] - 67:21, 68:24, 69:1, 72:9, 75:12, 77:20, 78:18, 78:20, 78:24, 79:21, 79:23, 80:1, 80:4, 80:8, 84:20, 86:24, 89:20, 90:17, 90:19, 91:3, 91:8, 100:16, 102:23, 131:14 Street [44] - 1:20, 2:4, 2:13, 28:21, 42:6, 68:8, 69:2, 72:8, 72:13, 73:23, 73:24, 74:1, 74:3, 74:6, 74:7, 74:10, 75:13, 75:19, 75:20, 76:9, 76:14, 76:24, 77:2, 77:5, 77:16, 77:19, 77:20, 77:23, 78:1, 78:5, 78:10, 78:15, 79:4, 79:7, 79:10, 79:12, 79:18, 79:19, 80:7, 81:2, 81:5, 81:6, 81:7, 131:10 streets [2] - 74:25, 76:17 strength [3] - 58:23, 60:3, 134:14 stressed [1] - 94:12 stretch [2] - 144:20, 148:23 stretcher [1] - 111:23 stretching [1] - 138:13 strong [2] - 154:11, 154:12 struck [10] - 84:5, 84:13, 84:19, 85:17, 92:1, 103:9, 109:5, 110:10, 119:9, 133:1 struggling [1] - 98:10 stuff [5] - 104:2, 104:4, 123:14, 148:25, 149:19 subject [1] - 15:10 Subscribed [1] - 164:15 substance [1] - 125:25 substantially [2] - 22:9, 22:12 substantive [1] - 139:16 subway [1] - 70:22 such [5] - 7:14, 11:12, 149:3, 156:8, 166:10 sued [3] - 12:22, 163:5, 163:8 suffer [3] - 53:9, 57:7, 133:25 suffered [5] - 59:5, 61:16, 134:5, 153:18, 157:10 suffering [3] - 53:2, 53:11, 115:2 suicidal [1] - 63:11 suining [1] - 133:3 sum [1] - 125:24 summer [10] - 36:11, 36:24, 40:1, 40:2, 40:8, 64:23, 69:8, 71:22, 71:24,</p>	<p>159:3 sun [3] - 148:21, 152:8 supervisor [7] - 30:18, 31:2, 31:3, 31:7, 31:8, 33:19, 33:25 supervisor's [1] - 30:23 support [2] - 15:4, 15:8 suppose [3] - 11:6, 65:3, 65:11 sure [30] - 7:17, 12:13, 15:7, 17:9, 17:21, 20:22, 23:14, 27:17, 31:7, 32:15, 35:19, 37:10, 39:6, 41:8, 42:17, 44:14, 45:4, 46:10, 55:7, 61:15, 69:18, 78:23, 90:10, 90:24, 100:6, 118:20, 134:3, 150:15, 159:1, 163:3 surgery [1] - 145:1 surrounding [1] - 131:4 suspended [2] - 25:10, 26:14 sustain [2] - 134:8, 155:17 sustaining [2] - 154:24, 155:21 SUV [1] - 88:4 sworn [5] - 3:8, 4:2, 164:4, 164:15, 166:10 symptoms [17] - 10:1, 10:6, 53:8, 53:12, 53:15, 53:18, 54:3, 54:14, 55:5, 55:7, 55:10, 55:16, 55:24, 56:1, 56:3, 57:7, 58:21</p>	<p>taking [10] - 10:12, 31:24, 56:5, 56:8, 56:10, 56:13, 56:17, 57:8, 62:8, 121:23 talk [12] - 18:17, 18:22, 102:19, 108:22, 108:24, 116:10, 124:19, 125:10, 133:15, 148:17, 152:23, 155:25 talked [3] - 109:7, 133:23, 154:20 talking [9] - 61:8, 73:11, 82:8, 99:11, 107:15, 112:25, 117:16, 117:23, 118:19 tall [5] - 22:2, 95:11, 109:11, 109:12, 133:12 taller [1] - 95:14 task [2] - 148:11, 151:22 tasks [4] - 32:25, 147:6, 149:4, 150:12 taxing [1] - 33:3 tea [1] - 52:10 technician [2] - 32:9, 32:10 teeth [2] - 64:15, 66:8 tell [18] - 5:9, 5:13, 5:22, 20:7, 46:16, 48:15, 86:15, 110:9, 110:11, 110:17, 118:4, 124:3, 125:24, 129:1, 139:16, 145:20, 145:23, 155:24 tells [1] - 118:4 temporary [3] - 141:8, 141:17, 141:18 ten [10] - 10:10, 23:1, 46:3, 70:9, 89:11, 102:6, 111:19, 112:9, 116:1, 123:20 ten-minute [1] - 70:9 term [1] - 155:8 terminate [1] - 132:7 terms [3] - 32:25, 48:11, 132:14 testified [14] - 4:3, 12:2, 12:3, 15:16, 15:18, 19:16, 52:19, 53:7, 66:22, 67:6, 70:13, 84:24, 95:5, 134:21 testify [6] - 6:25, 7:1, 7:4, 20:5, 20:8, 164:4 testimony [11] - 13:13, 30:22, 61:15, 72:12, 77:4, 90:13, 100:10, 155:16, 164:4, 164:7, 166:11 tests [1] - 114:24 than [52] - 10:7, 12:6, 12:10, 19:25, 20:4, 20:7, 21:1, 22:9, 22:12, 23:1, 23:24, 24:20, 31:21, 32:20, 35:7, 35:9, 35:11,</p>
T			
<p>T [7] - 3:1, 69:8, 164:1, 165:1, 166:1 T-shirt [1] - 69:8 tables [1] - 29:19 tackled [1] - 48:25 take [36] - 6:1, 6:17, 6:19, 7:18, 7:24, 8:2, 8:4, 8:6, 8:13, 9:4, 9:8, 9:16, 10:23, 11:2, 11:7, 13:1, 25:15, 38:23, 63:25, 72:7, 86:25, 97:14, 97:18, 106:22, 111:17, 112:19, 115:22, 118:7, 120:14, 120:17, 121:15, 121:24, 130:20, 135:9, 135:23, 151:1 taken [23] - 1:18, 5:21, 7:9, 7:12, 10:8, 10:17, 10:19, 11:7, 27:18, 44:23, 47:14, 47:21, 49:23, 64:2, 111:2, 112:13, 118:9, 122:2, 134:20, 134:24, 135:1, 135:4, 165:21</p>			

H. RODRIGUEZ

<p>46:3, 46:5, 50:14, 52:4, 57:3, 57:4, 63:19, 71:21, 71:23, 76:18, 82:11, 84:14, 86:13, 89:11, 89:13, 97:24, 102:6, 102:15, 105:6, 112:15, 112:20, 116:1, 119:7, 121:13, 123:20, 124:16, 125:23, 127:22, 132:4, 139:4, 151:12, 153:13, 159:13</p> <p>That ^[1] - 166:9</p> <p>that ^[465] - 3:5, 3:7, 3:10, 3:15, 4:15, 4:17, 4:19, 4:23, 5:1, 5:5, 5:9, 5:13, 5:17, 5:21, 5:24, 6:4, 6:11, 6:18, 6:25, 7:3, 7:6, 7:8, 8:2, 8:4, 8:8, 8:17, 8:22, 8:25, 10:1, 10:17, 10:19, 10:23, 10:25, 11:6, 11:7, 11:22, 12:12, 12:18, 12:20, 12:24, 13:1, 13:7, 13:9, 13:21, 13:23, 14:2, 16:23, 16:25, 17:13, 18:9, 18:13, 20:19, 20:23, 22:18, 23:9, 23:12, 23:13, 23:21, 24:13, 24:15, 25:21, 26:4, 26:12, 26:15, 26:23, 26:25, 27:6, 27:16, 28:7, 28:16, 28:20, 30:1, 30:5, 30:6, 30:22, 31:5, 31:8, 31:9, 31:11, 32:2, 33:12, 33:15, 33:19, 33:21, 34:2, 34:8, 34:13, 35:18, 37:9, 38:5, 38:12, 38:18, 38:23, 39:2, 40:8, 40:13, 40:20, 41:12, 41:22, 42:5, 42:11, 43:4, 44:5, 45:25, 46:9, 46:17, 46:25, 47:14, 48:2, 48:11, 48:17, 48:19, 48:21, 48:23, 49:7, 49:13, 49:21, 51:1, 52:2, 52:19, 53:3, 53:9, 53:20, 53:25, 54:6, 54:13, 55:3, 55:5, 55:9, 55:15, 55:18, 56:5, 56:8, 56:10, 56:13, 56:15, 56:17, 56:19, 56:24, 57:14, 57:20, 57:23, 59:1, 59:7, 59:20, 59:21, 60:3, 60:15, 61:6, 61:13, 61:14, 61:15, 61:16, 61:20, 62:5, 62:17, 63:13, 63:24, 64:8, 64:12, 64:16, 64:20, 64:24, 65:1, 65:10, 65:21, 65:25, 66:3, 66:8, 66:11, 66:13, 66:16, 67:1, 67:6, 67:9, 68:18, 68:21, 68:23, 69:1, 69:4, 69:6, 69:21, 69:25, 70:13, 71:3, 71:19,</p>	<p>72:2, 72:4, 72:6, 72:9, 72:12, 72:15, 72:19, 73:13, 74:18, 74:21, 75:16, 75:17, 75:25, 76:15, 76:18, 77:4, 77:8, 77:11, 81:9, 81:23, 82:2, 82:3, 82:8, 83:24, 84:1, 84:4, 84:6, 84:12, 84:15, 84:18, 84:21, 84:24, 85:13, 85:19, 86:25, 87:1, 87:3, 87:6, 87:15, 87:16, 87:24, 88:2, 88:7, 88:9, 88:19, 89:1, 89:6, 89:21, 89:22, 90:5, 90:13, 91:10, 92:6, 92:9, 92:11, 92:14, 92:19, 92:22, 93:10, 93:18, 93:19, 93:22, 93:23, 94:4, 94:11, 94:13, 94:15, 94:17, 94:25, 95:5, 96:11, 96:16, 97:7, 98:21, 100:2, 100:4, 100:10, 100:20, 101:19, 101:21, 101:22, 102:11, 102:14, 102:17, 103:12, 103:14, 104:22, 105:3, 105:15, 105:17, 105:20, 105:25, 106:11, 107:11, 107:15, 107:21, 107:23, 108:5, 108:15, 109:1, 109:5, 109:13, 110:12, 110:16, 110:24, 110:25, 111:10, 112:5, 112:25, 113:11, 113:18, 113:19, 113:20, 113:21, 115:2, 116:14, 116:21, 116:23, 117:3, 117:8, 117:15, 117:17, 117:18, 117:19, 117:21, 118:25, 119:4, 119:6, 119:8, 119:19, 120:2, 121:1, 121:9, 121:10, 121:14, 121:22, 122:6, 122:10, 122:25, 123:19, 123:25, 124:8, 124:18, 125:14, 127:4, 128:14, 129:21, 130:1, 130:5, 130:23, 131:12, 131:17, 132:3, 132:25, 133:1, 133:17, 133:20, 134:2, 134:3, 135:6, 135:17, 135:21, 136:21, 137:25, 138:9, 138:22, 138:25, 139:9, 139:22, 140:3, 140:11, 140:12, 141:14, 142:20, 143:16, 143:25, 144:10, 144:17, 144:24, 145:9, 145:14, 145:16, 145:21, 145:25, 146:25, 147:8, 147:19, 148:3, 149:14, 150:3, 150:4, 150:13, 150:15, 150:25,</p>	<p>151:1, 151:7, 151:8, 151:15, 151:17, 151:22, 151:24, 152:2, 152:6, 152:9, 152:18, 152:21, 153:1, 153:3, 153:6, 153:8, 153:12, 153:14, 153:17, 153:18, 153:24, 153:25, 154:1, 154:2, 154:8, 154:14, 154:23, 154:24, 155:4, 155:16, 155:21, 155:23, 156:10, 156:13, 156:16, 156:18, 157:22, 157:23, 157:24, 158:5, 158:6, 158:14, 158:18, 158:19, 158:22, 158:24, 159:1, 159:5, 159:15, 160:1, 160:14, 162:3, 162:4, 162:10, 162:13, 162:16, 162:17, 162:18, 164:3, 164:6, 166:10, 166:11, 166:13, 166:15</p> <p>that's ^[31] - 6:18, 7:17, 21:20, 31:8, 55:13, 69:15, 69:20, 75:7, 75:11, 75:13, 82:15, 97:9, 106:10, 111:25, 112:2, 115:18, 116:24, 117:6, 117:16, 117:17, 117:24, 121:4, 125:3, 128:5, 132:11, 137:14, 141:2, 147:2, 147:18, 158:20, 159:23</p> <p>the ^[708] - 1:9, 1:9, 1:17, 1:18, 1:19, 1:20, 1:22, 2:3, 2:9, 2:11, 2:12, 3:5, 3:6, 3:7, 3:8, 3:9, 3:10, 3:11, 3:12, 3:13, 3:16, 4:2, 4:6, 4:12, 4:13, 4:14, 4:15, 4:16, 4:17, 4:19, 4:23, 5:2, 5:7, 5:12, 5:17, 5:22, 5:25, 6:4, 6:9, 6:11, 6:13, 6:19, 6:23, 7:9, 7:12, 7:17, 7:20, 8:11, 8:20, 8:24, 9:7, 9:20, 9:21, 10:1, 10:11, 10:21, 11:2, 11:7, 11:9, 11:13, 12:2, 12:7, 12:20, 13:9, 13:18, 13:23, 14:12, 14:15, 15:6, 15:10, 16:18, 17:3, 17:6, 17:7, 17:8, 17:10, 17:13, 17:15, 17:16, 17:19, 17:21, 17:22, 17:25, 18:1, 18:21, 19:7, 19:11, 19:14, 19:17, 19:22, 19:25, 20:11, 20:13, 20:16, 20:19, 20:21, 20:23, 21:11, 21:15, 21:16, 21:17, 21:18, 21:19, 23:8, 24:24, 25:1, 25:15, 25:18, 25:20,</p>	<p>28:8, 29:16, 29:18, 30:20, 31:7, 31:8, 31:25, 33:1, 34:1, 34:2, 34:8, 34:11, 34:17, 34:20, 35:19, 36:24, 37:15, 38:7, 38:10, 38:19, 39:5, 39:8, 39:10, 39:15, 39:18, 40:1, 40:8, 40:23, 41:9, 41:17, 42:17, 42:18, 44:6, 44:13, 45:3, 45:25, 46:16, 46:17, 46:20, 47:2, 47:17, 48:11, 48:15, 48:16, 48:23, 48:25, 49:3, 49:4, 49:5, 49:8, 49:9, 49:10, 49:11, 49:19, 50:6, 50:9, 50:18, 50:24, 52:25, 53:4, 53:8, 54:2, 54:10, 54:13, 55:9, 55:10, 55:15, 55:16, 56:22, 57:6, 57:8, 58:7, 59:4, 59:6, 59:20, 59:24, 60:3, 60:10, 60:19, 61:16, 62:6, 62:18, 63:13, 64:4, 64:5, 64:6, 64:8, 64:10, 65:6, 65:7, 65:14, 65:15, 65:16, 65:20, 66:2, 66:4, 66:9, 66:12, 66:21, 66:23, 67:1, 67:9, 67:11, 67:13, 67:15, 67:25, 68:6, 68:7, 68:17, 68:20, 68:23, 69:4, 69:6, 69:14, 70:2, 70:3, 70:4, 70:10, 70:14, 70:21, 70:22, 70:23, 71:1, 71:4, 71:21, 71:24, 72:7, 72:9, 72:15, 73:4, 73:5, 73:7, 73:9, 73:15, 74:12, 74:15, 74:20, 75:3, 75:8, 75:10, 75:14, 75:16, 75:17, 75:19, 75:21, 75:25, 76:5, 76:6, 76:9, 76:17, 76:20, 77:3, 77:4, 77:5, 77:23, 77:24, 77:25, 78:18, 78:20, 78:21, 78:22, 78:24, 78:25, 79:1, 79:14, 79:22, 79:23, 79:25, 80:1, 80:4, 80:17, 80:22, 81:6, 81:15, 81:16, 81:18, 81:19, 81:20, 81:21, 81:23, 82:3, 82:5, 82:6, 82:13, 82:15, 82:21, 82:22, 83:20, 84:10, 84:14, 84:15, 84:20, 84:24, 84:25, 85:7, 85:11, 85:12, 85:15, 85:17, 85:19, 85:22, 85:23, 86:8, 86:10, 86:15, 86:16, 86:18, 86:21, 86:24, 87:3, 87:5, 87:8, 87:9, 87:10, 87:11, 87:13, 87:17, 87:18, 87:19, 87:22, 87:23, 88:11, 88:12,</p>
---	---	--	--

<p>88:18, 88:22, 89:1, 89:5, 89:6, 89:7, 89:15, 89:18, 89:20, 90:3, 90:8, 90:10, 90:11, 90:13, 90:17, 90:18, 90:25, 91:3, 91:7, 92:3, 92:4, 92:5, 92:17, 93:3, 93:8, 94:11, 94:14, 94:24, 95:3, 95:14, 95:24, 95:25, 96:2, 96:7, 96:20, 97:1, 97:2, 97:3, 97:4, 97:5, 97:12, 97:14, 97:20, 97:25, 98:5, 98:10, 98:16, 99:2, 99:10, 99:11, 99:13, 99:15, 99:20, 99:24, 100:5, 100:11, 100:12, 100:15, 100:16, 100:17, 101:15, 101:22, 102:11, 102:23, 103:19, 103:20, 103:24, 104:4, 104:12, 104:16, 104:22, 105:3, 105:19, 105:22, 105:23, 106:18, 106:20, 106:22, 106:25, 107:2, 107:9, 107:10, 107:13, 107:23, 108:1, 108:4, 108:5, 108:7, 108:9, 108:13, 108:21, 109:1, 109:3, 109:5, 109:11, 109:12, 111:2, 111:5, 111:6, 111:13, 111:20, 112:1, 112:3, 112:4, 112:13, 112:14, 112:21, 113:25, 114:8, 114:10, 114:13, 114:19, 115:2, 115:19, 115:23, 115:25, 116:2, 116:5, 116:14, 116:15, 116:16, 116:19, 117:1, 117:9, 117:11, 117:12, 117:13, 117:14, 117:15, 117:21, 117:22, 117:24, 118:3, 118:10, 118:12, 118:13, 118:14, 118:15, 118:17, 118:22, 119:3, 119:19, 119:22, 119:25, 120:3, 120:5, 120:9, 120:14, 120:20, 120:23, 121:7, 121:9, 121:10, 121:12, 121:14, 121:24, 122:4, 122:6, 122:11, 123:3, 123:6, 123:14, 123:18, 124:3, 124:15, 124:17, 124:18, 124:24, 125:5, 125:6, 125:7, 126:23, 126:24, 127:2, 127:5, 128:4, 128:5, 129:3, 129:9, 129:12, 129:14, 129:22, 129:25, 130:8, 130:11, 130:13, 130:16, 130:17, 130:19, 131:1, 131:4, 131:7,</p>	<p>131:14, 131:22, 131:25, 132:6, 132:14, 132:21, 132:23, 133:1, 133:3, 133:11, 133:12, 133:17, 133:23, 133:24, 133:25, 134:4, 134:6, 134:11, 134:12, 134:15, 134:17, 134:21, 135:3, 135:4, 135:6, 136:2, 136:16, 137:9, 138:13, 138:15, 139:8, 139:18, 139:19, 140:15, 140:18, 141:14, 141:15, 141:25, 142:17, 142:20, 142:21, 143:20, 144:3, 144:20, 146:1, 146:6, 146:8, 146:9, 146:12, 146:16, 146:20, 147:2, 147:12, 147:13, 147:18, 148:1, 148:11, 148:18, 148:20, 148:21, 149:2, 149:5, 150:3, 150:8, 150:9, 150:11, 150:24, 151:11, 151:15, 151:23, 152:4, 152:6, 152:7, 152:8, 152:9, 152:12, 153:2, 153:3, 153:4, 153:21, 153:25, 154:15, 155:7, 156:4, 157:1, 157:2, 157:11, 157:24, 158:3, 158:8, 158:9, 158:20, 159:20, 160:1, 160:14, 161:5, 161:21, 161:24, 161:25, 162:6, 162:17, 162:18, 162:23, 163:1, 163:5, 163:8, 163:9, 163:13, 164:4, 164:6, 164:7, 164:8, 165:19, 165:21, 166:8, 166:9, 166:11, 166:14, 166:15</p> <p>THE [5] - 19:15, 30:21, 97:3, 106:12, 162:22</p> <p>their [8] - 1:8, 2:11, 98:14, 101:2, 125:3, 125:17, 150:21, 151:14</p> <p>them [56] - 16:21, 38:7, 95:10, 95:25, 96:2, 96:4, 96:9, 96:11, 96:14, 96:22, 96:24, 97:5, 97:9, 98:19, 100:22, 101:6, 101:9, 102:25, 103:11, 104:2, 105:17, 105:19, 106:7, 106:9, 106:15, 109:7, 109:9, 109:10, 110:9, 110:11, 110:17, 110:25, 112:5, 113:11, 113:13, 115:4, 119:20, 119:22, 122:10, 124:19, 125:10, 125:14, 125:15, 125:22, 125:24, 133:9, 133:20,</p>	<p>140:14, 142:15, 146:23, 151:16, 151:20, 153:20, 154:7, 160:6, 160:20</p> <p>then [41] - 8:17, 36:24, 39:10, 40:20, 42:11, 49:1, 51:1, 56:2, 56:11, 59:3, 59:8, 59:11, 72:8, 72:13, 73:6, 73:22, 74:3, 74:7, 76:6, 76:12, 77:5, 87:7, 93:10, 94:9, 100:14, 100:24, 109:19, 113:3, 117:4, 118:23, 124:8, 124:21, 126:2, 130:5, 140:24, 144:13, 147:11, 150:2, 151:16, 151:24</p> <p>therapist [2] - 138:25, 139:2</p> <p>therapy [18] - 58:18, 137:14, 138:3, 138:4, 138:7, 138:10, 138:12, 138:15, 141:2, 141:21, 141:25, 143:8, 143:16, 144:17, 144:20, 145:14, 151:17</p> <p>there [83] - 5:5, 18:15, 22:25, 23:2, 29:1, 29:3, 29:5, 29:9, 32:6, 32:8, 32:14, 37:7, 37:8, 37:13, 37:15, 40:3, 40:6, 40:16, 42:1, 42:3, 42:7, 42:21, 49:11, 57:13, 68:24, 69:24, 75:14, 75:18, 75:21, 76:2, 79:22, 79:25, 80:21, 83:23, 85:8, 86:7, 89:21, 98:21, 99:3, 99:7, 99:8, 107:25, 108:2, 108:11, 108:25, 111:9, 116:7, 119:19, 120:7, 122:2, 122:17, 123:18, 125:1, 126:8, 127:9, 128:20, 128:22, 130:21, 130:24, 131:20, 132:25, 137:6, 137:9, 137:16, 137:20, 138:6, 138:7, 138:23, 139:23, 140:3, 140:6, 142:7, 142:9, 142:11, 142:13, 144:2, 144:5, 144:7, 144:15, 150:15, 151:4, 161:24</p> <p>there's [7] - 5:1, 75:15, 76:4, 76:5, 89:21, 157:15, 158:6</p> <p>these [12] - 55:4, 55:7, 55:16, 68:10, 68:15, 105:25, 134:20, 153:22, 154:5, 154:10, 154:14, 154:20</p> <p>they [86] - 32:17, 32:25, 42:9, 58:8, 58:10, 68:13, 76:21, 77:18, 77:23,</p>	<p>95:12, 95:16, 95:19, 95:21, 95:23, 96:5, 96:6, 97:6, 97:10, 97:17, 98:11, 99:6, 99:13, 100:13, 100:14, 100:16, 100:24, 101:1, 101:4, 101:5, 101:19, 102:10, 103:8, 103:9, 103:10, 103:23, 104:20, 104:23, 105:2, 105:8, 105:12, 108:6, 108:17, 109:8, 109:24, 110:1, 110:5, 110:6, 110:7, 111:22, 113:12, 114:2, 114:13, 114:15, 117:9, 117:17, 117:19, 118:22, 119:3, 119:14, 122:8, 122:12, 122:13, 123:10, 123:11, 123:18, 125:2, 125:6, 125:8, 125:9, 125:18, 125:19, 135:6, 136:23, 138:14, 140:11, 140:24, 144:11, 144:21, 144:22, 150:25, 151:12, 152:23</p> <p>they're [1] - 152:24</p> <p>thighs [1] - 134:18</p> <p>thing [3] - 32:16, 138:14, 143:21</p> <p>things [12] - 11:3, 19:19, 58:24, 148:4, 148:10, 150:18, 153:3, 153:4, 154:1, 156:2, 157:2</p> <p>think [55] - 7:14, 8:18, 9:23, 10:8, 17:10, 22:9, 22:12, 23:24, 24:20, 35:7, 35:9, 35:11, 41:14, 46:3, 46:5, 48:1, 48:7, 48:10, 49:9, 50:14, 50:20, 63:19, 76:23, 77:1, 82:15, 86:13, 89:9, 95:16, 97:20, 104:7, 109:5, 109:17, 113:19, 113:20, 113:22, 114:11, 117:18, 119:2, 123:18, 125:2, 126:4, 126:23, 129:4, 129:5, 131:9, 137:16, 137:19, 141:24, 141:25, 142:11, 154:10, 158:1, 161:5, 162:10, 163:4</p> <p>third [3] - 14:7, 51:2, 118:25</p> <p>this [76] - 4:13, 5:22, 6:1, 6:23, 10:11, 10:14, 10:22, 11:24, 12:1, 12:6, 12:10, 13:15, 13:17, 15:20, 16:4, 17:23, 18:4, 20:1, 20:20, 21:11, 25:18, 29:2, 29:14, 39:6, 39:24, 41:14, 44:11, 44:24, 45:2, 45:5, 53:7, 55:11, 56:2, 61:9, 61:13,</p>
---	---	---	---

H. RODRIGUEZ

62:7, 67:25, 68:2, 73:14, 83:4, 87:7, 96:18, 99:21, 109:19, 115:22, 119:18, 125:2, 131:25, 135:21, 140:16, 145:2, 148:12, 148:14, 151:7, 151:24, 155:10, 155:17, 155:20, 156:22, 157:23, 158:13, 159:12, 159:13, 159:14, 160:12, 160:21, 162:8, 162:9, 162:16, 163:12, 163:14, 164:16, 166:14, 166:15, 166:18 those [41] - 6:14, 10:5, 11:3, 17:12, 19:19, 29:20, 36:4, 53:11, 53:15, 53:18, 55:24, 56:1, 56:3, 57:10, 72:24, 86:1, 95:8, 102:7, 104:24, 109:4, 110:2, 125:5, 127:2, 127:23, 127:25, 131:3, 131:23, 132:18, 133:3, 133:6, 134:23, 135:9, 136:19, 139:5, 139:7, 140:22, 141:5, 150:4, 150:7, 154:17, 156:2 though [1] - 5:24 three [12] - 32:7, 35:9, 36:4, 45:22, 82:4, 102:6, 116:24, 118:20, 132:15, 132:16, 132:18, 145:10 threw [1] - 49:4 throbbing [3] - 59:1, 91:25, 93:5 through [14] - 1:8, 2:11, 38:16, 54:21, 73:14, 74:20, 101:3, 101:5, 101:9, 101:12, 104:2, 151:15, 157:12, 158:10 throughout [2] - 27:12, 148:10 time [120] - 3:16, 7:20, 8:11, 9:6, 10:21, 13:19, 16:13, 23:8, 23:12, 24:3, 29:17, 31:25, 32:2, 33:15, 33:19, 34:1, 34:20, 35:3, 37:15, 38:21, 39:8, 40:23, 41:9, 41:17, 43:4, 44:5, 44:7, 44:12, 45:25, 46:16, 46:20, 48:15, 49:21, 50:7, 51:2, 53:25, 54:6, 55:5, 55:9, 55:15, 56:24, 57:23, 60:16, 64:12, 65:11, 65:20, 65:25, 66:2, 66:17, 69:3, 69:6, 71:1, 71:8, 71:19, 72:19, 75:2, 75:5, 76:1, 76:8, 77:8, 77:11, 80:22, 82:18, 83:2, 83:4, 83:12, 83:23, 84:16, 86:25, 87:3, 88:19, 89:2,	92:6, 94:10, 94:22, 96:12, 96:19, 97:18, 99:22, 100:20, 101:14, 104:12, 105:15, 105:17, 105:20, 107:12, 107:15, 109:18, 109:20, 112:21, 113:1, 113:11, 116:3, 125:5, 125:7, 128:7, 128:14, 129:5, 130:18, 131:7, 136:21, 137:9, 137:21, 138:3, 140:18, 141:23, 143:17, 145:7, 146:22, 148:19, 149:2, 149:21, 151:5, 154:3, 154:15, 157:2, 157:17, 163:12, 164:8 TIME [1] - 1:14 times [29] - 10:8, 10:10, 11:19, 17:9, 17:11, 18:7, 45:20, 45:22, 49:10, 50:11, 50:24, 63:17, 63:18, 71:21, 71:23, 89:9, 127:21, 127:22, 132:4, 137:16, 137:18, 137:19, 137:24, 138:5, 139:3, 139:4, 142:11, 143:13, 161:25 Times [2] - 34:7, 41:16 tingling [3] - 59:18, 134:17, 146:19 tips [1] - 30:14 tissue [5] - 58:4, 114:11 title [2] - 29:3, 32:8 to [493] - 1:18, 1:19, 3:8, 3:9, 3:16, 4:14, 4:16, 5:6, 5:12, 5:16, 5:21, 6:1, 6:6, 6:13, 6:14, 6:17, 7:4, 8:5, 8:24, 10:2, 10:11, 11:3, 11:7, 11:17, 11:19, 12:20, 13:13, 14:18, 14:23, 15:1, 15:4, 15:7, 16:16, 16:19, 16:21, 17:15, 17:21, 18:3, 19:7, 19:17, 20:8, 21:17, 26:2, 26:7, 27:17, 27:20, 28:3, 29:6, 29:14, 29:19, 29:22, 30:2, 30:4, 30:5, 31:5, 31:9, 31:15, 31:24, 32:7, 32:14, 33:11, 33:12, 34:17, 37:24, 38:2, 38:11, 38:13, 38:20, 38:24, 39:2, 39:6, 39:10, 39:15, 39:18, 39:24, 41:8, 42:11, 42:18, 42:25, 43:1, 43:8, 44:2, 44:8, 44:14, 46:7, 46:10, 46:13, 47:14, 47:21, 48:6, 48:25, 49:11, 49:17, 49:23, 50:5, 50:9, 50:11, 50:23, 50:24, 53:7, 53:14, 54:10, 55:9, 55:24, 56:19, 57:18, 57:25, 58:22, 59:3,	59:4, 60:2, 60:4, 60:7, 61:13, 62:7, 62:17, 63:14, 64:3, 64:4, 65:3, 65:6, 65:7, 65:9, 65:10, 65:11, 65:14, 65:15, 65:16, 65:18, 66:5, 66:9, 66:12, 66:15, 66:25, 67:6, 68:1, 68:6, 68:20, 68:21, 68:23, 68:24, 69:6, 70:1, 70:10, 70:14, 70:16, 70:18, 70:21, 70:22, 72:7, 73:1, 73:6, 73:15, 73:22, 74:3, 74:12, 74:22, 75:16, 75:17, 75:20, 75:22, 75:23, 75:24, 76:4, 76:20, 78:12, 79:25, 81:21, 81:23, 82:5, 82:6, 82:13, 83:4, 83:7, 83:9, 84:1, 85:6, 85:22, 86:7, 86:11, 87:10, 87:15, 87:19, 87:22, 87:23, 88:23, 89:7, 89:18, 89:19, 89:21, 91:4, 92:1, 92:2, 92:10, 94:3, 94:11, 94:20, 96:3, 96:11, 96:14, 96:16, 97:10, 97:12, 97:14, 97:17, 97:20, 97:22, 97:25, 98:14, 98:17, 98:19, 99:11, 99:20, 100:10, 100:11, 100:12, 100:17, 100:20, 100:22, 102:9, 102:16, 102:19, 102:21, 102:25, 103:1, 103:4, 103:8, 103:10, 103:11, 103:18, 103:22, 103:25, 104:23, 105:14, 105:16, 105:23, 106:3, 106:5, 106:6, 106:7, 106:9, 106:10, 106:13, 106:18, 106:22, 107:9, 107:11, 107:12, 107:15, 108:5, 108:22, 108:24, 109:1, 109:2, 109:7, 109:8, 109:12, 109:15, 109:19, 111:17, 112:5, 112:9, 112:19, 112:25, 116:10, 116:15, 116:18, 116:19, 116:23, 117:4, 117:7, 117:10, 117:12, 117:14, 117:17, 117:19, 117:22, 117:23, 117:25, 118:2, 118:4, 118:12, 118:14, 118:17, 118:25, 119:8, 119:16, 119:18, 120:3, 120:17, 120:20, 120:23, 121:16, 121:17, 122:10, 122:13, 122:21, 122:25, 123:9, 124:11, 124:14, 124:19, 124:21, 125:10, 125:14, 126:3, 126:13,	126:20, 127:19, 127:21, 128:1, 128:10, 128:17, 129:3, 129:7, 129:10, 129:14, 129:22, 130:8, 130:13, 131:1, 131:12, 131:19, 132:4, 133:15, 133:17, 134:12, 134:18, 134:21, 135:3, 135:6, 135:17, 135:20, 135:21, 136:1, 136:25, 137:2, 137:18, 138:5, 138:15, 140:12, 141:20, 141:21, 142:1, 142:2, 142:4, 142:15, 142:21, 143:2, 143:9, 143:13, 143:23, 144:5, 144:11, 144:13, 144:16, 144:20, 144:22, 144:23, 145:9, 145:21, 146:1, 146:5, 146:8, 146:13, 146:14, 146:16, 146:19, 146:20, 146:22, 146:23, 147:5, 147:7, 147:10, 147:12, 147:14, 147:15, 148:3, 148:5, 148:6, 148:10, 148:20, 148:21, 148:23, 149:5, 149:6, 149:10, 149:16, 149:21, 149:23, 150:9, 150:11, 150:12, 150:16, 150:20, 150:23, 151:2, 151:5, 151:13, 151:17, 151:19, 151:25, 152:3, 152:5, 152:6, 152:8, 152:10, 152:20, 152:23, 152:24, 153:4, 153:5, 153:7, 153:10, 153:11, 153:13, 153:19, 153:25, 154:2, 154:9, 154:10, 154:11, 154:12, 154:18, 154:20, 155:16, 156:1, 158:2, 158:4, 158:9, 158:16, 158:17, 159:25, 160:2, 160:4, 160:8, 161:25, 162:3, 162:7, 162:14, 162:16, 164:4, 164:15, 166:13, 166:14 today [13] - 5:25, 7:4, 15:20, 15:23, 20:5, 20:8, 22:4, 59:13, 59:24, 89:7, 94:17, 113:22, 145:9 today's [5] - 6:9, 18:18, 18:23, 19:1, 19:7 together [3] - 65:14, 65:15, 117:17 told [14] - 74:23, 103:11, 107:11, 110:25, 113:13, 115:4, 117:20, 117:25, 118:5, 123:9, 123:25, 125:14, 126:20, 145:13 too [4] - 60:9, 94:14,
--	---	--	---

194

<p>32:15, 33:21, 33:25, 35:7, 35:9, 35:11, 38:19, 42:5, 45:25, 46:3, 46:5, 48:4, 48:7, 48:18, 48:19, 48:25, 49:2, 49:3, 49:7, 49:9, 49:13, 50:5, 50:14, 50:20, 55:10, 55:15, 55:18, 56:15, 56:23, 57:13, 57:14, 57:20, 58:23, 58:25, 59:10, 59:11, 64:2, 64:8, 64:18, 64:23, 65:15, 66:2, 66:16, 66:19, 67:13, 67:15, 67:21, 67:23, 69:22, 69:25, 70:4, 71:11, 73:5, 74:14, 74:23, 75:18, 76:2, 76:19, 81:13, 82:19, 84:7, 84:12, 84:15, 85:5, 85:15, 85:19, 86:5, 86:13, 86:19, 88:5, 89:5, 90:3, 91:9, 91:10, 91:20, 92:24, 92:25, 93:8, 93:9, 94:13, 94:23, 94:24, 95:14, 99:3, 99:9, 99:20, 100:6, 100:11, 100:15, 101:22, 102:20, 103:9, 104:1, 104:4, 104:6, 104:8, 106:8, 106:18, 106:23, 107:6, 107:11, 107:16, 107:17, 107:19, 107:21, 108:11, 108:13, 110:12, 110:14, 110:22, 111:2, 111:3, 111:9, 111:11, 112:5, 112:13, 112:16, 112:23, 113:14, 113:16, 113:20, 116:7, 116:21, 117:10, 117:13, 117:17, 117:20, 117:21, 118:3, 118:9, 118:13, 118:18, 119:9, 119:19, 121:9, 122:11, 122:25, 123:9, 123:18, 124:10, 124:17, 125:3, 127:9, 127:14, 128:20, 129:19, 131:17, 132:21, 133:17, 135:10, 136:20, 137:9, 137:25, 138:15, 140:12, 140:20, 141:15, 141:17, 141:25, 142:1, 142:2, 144:11, 144:15, 150:4, 150:5, 150:15, 150:20, 151:1, 154:10, 155:9, 158:8, 158:11, 158:12, 158:13, 158:16, 158:17, 158:18, 160:10, 161:5, 163:14, 166:10</p> <p>was it [20] - 13:15, 34:23, 48:13, 59:1, 64:10, 66:5, 67:11, 70:8, 70:21, 71:10, 85:12, 93:5, 101:19, 103:20, 105:6, 109:9,</p>	<p>116:5, 121:7, 125:5, 139:9</p> <p>was she [1] - 65:25</p> <p>was that [26] - 11:24, 13:3, 18:11, 43:8, 44:10, 44:12, 44:19, 51:4, 55:20, 74:12, 75:12, 90:11, 92:16, 101:17, 101:25, 106:20, 112:21, 118:1, 119:10, 124:23, 130:10, 130:14, 130:17, 135:8, 144:9</p> <p>was there [14] - 13:11, 17:12, 21:10, 34:1, 66:11, 73:9, 82:5, 91:19, 94:25, 116:2, 121:10, 131:14, 131:19, 137:21</p> <p>wash [1] - 64:15</p> <p>wasn't [3] - 49:1, 117:21, 154:1</p> <p>watch [1] - 66:10</p> <p>watched [2] - 89:6, 89:9</p> <p>water [4] - 73:7, 73:10, 150:23</p> <p>way [27] - 60:10, 60:22, 74:12, 75:10, 76:5, 76:9, 77:20, 77:23, 77:24, 77:25, 79:21, 80:8, 80:9, 88:22, 93:4, 94:17, 102:14, 102:17, 117:22, 118:2, 126:23, 139:19, 150:1, 153:2, 153:4, 162:6, 166:15</p> <p>we [23] - 4:16, 5:24, 6:19, 8:17, 17:3, 17:6, 17:10, 17:25, 21:15, 25:17, 39:6, 61:5, 61:6, 63:13, 65:15, 66:13, 66:15, 93:21, 93:23, 118:7, 134:3, 157:23, 162:13</p> <p>we're [2] - 135:3, 157:14</p> <p>we've [5] - 121:7, 133:23, 157:22, 158:1, 158:20</p> <p>weak [6] - 60:9, 92:18, 134:14, 146:15, 153:9, 158:4</p> <p>weakening [3] - 59:19, 134:12, 158:3</p> <p>wear [1] - 62:10</p> <p>wearing [10] - 62:12, 62:17, 62:20, 63:2, 69:6, 72:16, 72:18, 95:15, 95:16, 99:21</p> <p>weather [1] - 60:19</p> <p>week [22] - 9:25, 10:22, 29:5, 30:2, 30:6, 33:6, 33:8, 33:13, 37:23, 41:20, 42:20, 43:1, 54:19, 64:8, 71:21, 71:23, 137:7, 137:18, 138:5, 147:23, 151:3, 151:13</p>	<p>weekend [1] - 64:10</p> <p>weekly [3] - 30:17, 33:18, 147:23</p> <p>weeks [3] - 94:14, 137:7, 141:19</p> <p>weigh [1] - 22:4</p> <p>weighed [2] - 22:9, 22:12</p> <p>weight [3] - 22:6, 147:11, 147:13</p> <p>weird [1] - 92:1</p> <p>well [16] - 8:14, 10:24, 31:7, 32:24, 36:19, 39:3, 41:16, 50:1, 91:22, 117:20, 138:3, 138:10, 142:10, 143:24, 161:15, 162:6</p> <p>went [28] - 57:25, 65:23, 70:1, 72:12, 78:3, 84:19, 86:22, 87:1, 87:7, 87:20, 101:5, 120:3, 120:20, 128:17, 128:18, 129:14, 136:20, 137:16, 138:3, 138:6, 142:4, 142:11, 143:2, 144:13, 147:19, 151:15, 154:2, 157:12</p> <p>were [177] - 11:6, 20:8, 24:17, 24:20, 31:25, 32:17, 33:17, 35:13, 38:7, 39:7, 39:10, 39:18, 39:21, 41:18, 42:11, 42:20, 43:1, 43:3, 44:4, 45:25, 46:16, 46:22, 48:11, 48:16, 49:15, 51:1, 56:8, 58:12, 58:16, 59:7, 63:21, 64:20, 65:13, 65:18, 66:11, 67:6, 70:13, 70:22, 72:19, 72:21, 72:24, 76:21, 77:18, 77:23, 78:15, 78:17, 79:3, 79:6, 79:10, 79:22, 79:25, 81:9, 81:10, 81:16, 81:23, 82:16, 83:1, 83:2, 83:4, 83:7, 83:12, 83:16, 83:19, 83:20, 83:23, 86:7, 87:9, 87:11, 87:15, 89:22, 90:11, 92:5, 92:11, 92:19, 93:10, 93:22, 94:25, 95:6, 95:8, 95:12, 95:16, 95:21, 95:23, 97:10, 97:17, 98:16, 98:21, 98:24, 99:4, 99:6, 99:7, 99:8, 99:10, 99:11, 99:13, 99:15, 99:18, 100:9, 101:17, 102:11, 102:16, 103:4, 103:8, 103:24, 104:16, 104:24, 105:8, 105:12, 106:11, 107:15, 108:17, 108:21, 108:24, 109:19, 109:24, 110:1, 110:17, 110:19, 111:20, 112:3,</p>	<p>113:3, 113:6, 113:9, 113:25, 115:2, 115:4, 116:14, 116:16, 117:19, 118:22, 119:3, 119:14, 119:25, 120:14, 121:10, 121:24, 122:2, 122:6, 122:16, 123:7, 123:25, 124:1, 125:6, 126:4, 126:7, 126:17, 126:21, 127:3, 127:6, 127:8, 127:23, 130:14, 130:20, 130:23, 131:6, 131:12, 132:14, 132:25, 133:1, 134:3, 134:20, 136:23, 137:9, 137:20, 138:23, 139:17, 140:11, 140:16, 141:22, 150:4, 151:20, 154:5, 155:16, 161:24</p> <p>were you [105] - 13:18, 19:17, 19:19, 19:22, 26:14, 26:16, 32:6, 34:10, 37:15, 37:23, 39:21, 39:24, 40:3, 41:17, 44:2, 46:20, 47:2, 47:7, 47:14, 47:17, 47:19, 47:21, 47:23, 49:19, 49:21, 49:23, 49:25, 50:2, 50:6, 56:13, 58:21, 61:23, 62:3, 62:7, 62:14, 63:2, 63:17, 65:5, 65:11, 65:16, 70:22, 72:15, 73:1, 73:20, 74:1, 74:7, 74:18, 75:2, 75:5, 75:16, 78:17, 78:20, 78:23, 78:24, 79:1, 81:2, 81:18, 81:21, 81:23, 82:13, 83:9, 86:10, 87:3, 87:13, 87:16, 87:19, 89:1, 89:25, 91:4, 91:16, 91:23, 92:8, 93:1, 93:13, 93:25, 95:3, 99:21, 100:12, 102:14, 107:7, 108:9, 111:8, 112:14, 112:17, 113:25, 114:4, 114:24, 120:9, 121:12, 123:19, 124:15, 125:22, 126:13, 126:15, 127:16, 128:3, 131:2, 131:9, 131:25, 135:20, 140:18, 150:12, 155:2, 155:4, 155:7</p> <p>weren't [2] - 72:18, 84:21</p> <p>what [205] - 7:12, 7:22, 8:15, 8:17, 9:2, 9:6, 9:18, 9:22, 12:24, 13:9, 22:6, 22:23, 24:24, 26:2, 26:4, 26:10, 28:18, 29:7, 32:4, 32:10, 36:16, 37:2, 38:12, 38:18, 38:25, 40:14, 40:18, 41:7, 41:10, 42:16, 43:12, 43:20, 44:12, 46:22, 48:2, 48:11, 48:24,</p>
---	--	---	--

<p>50:4, 51:24, 52:9, 54:8, 55:14, 55:18, 56:23, 57:22, 58:2, 58:9, 58:21, 59:16, 59:22, 60:23, 61:2, 62:23, 64:8, 64:12, 64:14, 65:11, 65:20, 66:14, 67:21, 68:1, 68:2, 69:1, 69:3, 69:16, 69:25, 70:17, 72:4, 72:6, 73:1, 74:21, 75:9, 75:12, 77:18, 79:9, 82:1, 82:18, 83:7, 84:15, 85:4, 85:7, 85:10, 86:18, 86:20, 88:2, 88:5, 88:9, 88:12, 89:15, 90:18, 91:7, 91:14, 91:23, 92:8, 92:16, 93:4, 93:7, 93:13, 93:25, 94:19, 94:22, 95:14, 95:17, 96:5, 96:14, 97:10, 99:18, 100:9, 102:5, 103:4, 103:22, 104:6, 104:12, 104:19, 105:3, 105:14, 105:16, 105:22, 106:7, 106:10, 106:17, 107:7, 107:9, 108:4, 108:15, 109:12, 110:1, 110:5, 110:7, 110:8, 110:25, 111:10, 112:12, 113:13, 114:4, 114:10, 114:14, 114:17, 115:1, 116:21, 117:4, 117:18, 117:22, 118:5, 119:8, 119:17, 120:12, 120:23, 121:14, 121:19, 122:8, 122:19, 123:3, 123:9, 123:11, 124:8, 124:13, 125:1, 125:19, 126:2, 126:19, 126:21, 127:2, 127:5, 128:3, 128:7, 129:1, 129:25, 131:17, 132:14, 132:16, 134:8, 134:16, 134:21, 137:11, 137:22, 138:12, 139:16, 141:18, 142:2, 143:16, 144:19, 144:21, 146:3, 148:4, 148:17, 148:19, 148:22, 148:25, 149:12, 149:19, 149:21, 150:11, 150:18, 153:20, 156:9, 157:4, 158:24, 159:1, 159:18, 159:25, 161:3, 161:7, 161:14</p> <p>what are [2] - 29:9, 53:8</p> <p>what did [17] - 9:4, 19:10, 57:5, 73:16, 73:18, 84:6, 92:22, 101:4, 106:9, 110:9, 117:3, 121:1, 121:22, 128:16, 129:7, 139:7, 145:20</p> <p>What is [16] - 4:8, 17:15, 17:21, 21:6, 21:13, 22:19,</p>	<p>23:4, 23:17, 29:3, 34:2, 34:8, 54:10, 54:22, 68:4, 143:7, 161:1</p> <p>what was [21] - 32:8, 33:15, 37:5, 38:5, 38:10, 40:5, 40:16, 41:5, 42:1, 62:5, 72:9, 83:9, 84:4, 91:11, 112:7, 113:21, 131:3, 132:9, 143:19, 155:24, 158:18</p> <p>what were [13] - 42:14, 46:17, 48:16, 48:23, 57:10, 62:1, 65:1, 65:7, 69:6, 70:16, 81:4, 94:11, 149:23</p> <p>what's [3] - 11:2, 55:1, 100:10</p> <p>when [51] - 7:20, 8:11, 10:21, 11:22, 18:9, 24:17, 27:1, 29:16, 31:24, 39:15, 42:18, 44:10, 45:25, 48:19, 54:18, 55:15, 59:10, 59:11, 60:1, 60:21, 66:2, 67:14, 75:20, 76:14, 84:12, 85:15, 86:7, 94:13, 96:5, 97:6, 99:15, 100:4, 110:5, 117:6, 117:16, 117:17, 117:23, 117:25, 125:2, 125:3, 127:23, 130:10, 131:21, 131:25, 137:9, 143:11, 144:23, 146:6, 146:7, 152:3, 152:19</p> <p>when did [24] - 9:24, 10:5, 12:18, 16:2, 16:7, 18:25, 23:21, 26:25, 27:23, 36:14, 53:11, 54:16, 75:19, 84:18, 94:9, 133:13, 137:6, 142:7, 142:9, 143:9, 153:22, 158:22, 160:24, 161:3</p> <p>when you [52] - 9:18, 16:14, 25:4, 34:18, 35:4, 37:13, 37:22, 50:18, 51:24, 52:6, 53:1, 55:10, 58:25, 61:3, 62:20, 64:18, 66:14, 71:5, 71:10, 72:6, 72:15, 73:14, 78:17, 78:20, 78:23, 79:12, 79:15, 80:22, 80:24, 85:10, 86:20, 87:3, 87:15, 87:20, 91:16, 95:17, 98:24, 120:23, 121:10, 121:24, 122:13, 123:25, 124:11, 126:17, 127:8, 130:14, 132:23, 138:6, 141:2, 148:22, 157:4, 160:6</p> <p>whenever [1] - 144:24</p> <p>where [58] - 22:21, 27:4,</p>	<p>28:14, 34:6, 35:22, 37:17, 37:19, 40:11, 42:5, 46:25, 48:21, 53:17, 53:20, 64:16, 65:18, 65:23, 67:13, 67:15, 68:7, 68:10, 68:20, 69:15, 71:15, 73:7, 73:9, 73:22, 74:5, 74:10, 74:14, 75:10, 75:23, 77:14, 78:3, 80:6, 81:10, 81:11, 81:13, 81:18, 82:15, 85:2, 87:20, 88:21, 90:9, 90:16, 95:23, 110:17, 110:19, 111:15, 115:4, 120:5, 124:1, 130:2, 136:5, 136:20, 141:15, 147:24, 158:6, 158:11</p> <p>where are [1] - 68:13</p> <p>where is [6] - 27:6, 28:20, 41:12, 41:14, 67:19, 143:5</p> <p>where was [3] - 26:12, 71:3, 73:3</p> <p>where were [5] - 21:23, 32:2, 65:3, 91:18, 95:19</p> <p>WHEREOF [1] - 166:17</p> <p>whereupon [1] - 64:2</p> <p>Whereupon [4] - 67:23, 118:9, 118:12, 163:13</p> <p>whether [5] - 18:4, 83:1, 83:20, 146:20, 158:17</p> <p>which [20] - 13:3, 34:3, 49:1, 49:5, 57:25, 88:15, 93:4, 96:16, 100:2, 109:9, 110:21, 114:2, 114:3, 114:13, 117:10, 133:11, 138:18, 139:11, 141:11</p> <p>whichever [1] - 80:9</p> <p>while [43] - 23:15, 31:19, 34:10, 35:13, 38:8, 39:21, 39:25, 40:3, 40:5, 72:19, 72:21, 78:15, 79:3, 79:6, 79:9, 81:9, 82:16, 82:19, 83:2, 83:12, 83:16, 83:19, 83:23, 90:11, 98:11, 98:16, 99:4, 99:11, 102:16, 103:24, 108:21, 108:24, 111:20, 113:25, 116:16, 120:14, 122:16, 126:7, 130:20, 130:23, 137:20, 138:23, 154:5</p> <p>white [1] - 104:21</p> <p>who [41] - 8:22, 12:22, 13:21, 16:23, 23:2, 33:21, 49:13, 53:22, 95:8, 96:10, 101:12, 102:19, 102:21, 103:12, 103:17, 104:24, 107:15, 108:7, 108:12, 109:22, 111:4, 113:6, 113:8, 116:8, 116:18,</p>	<p>118:19, 118:22, 119:3, 121:5, 134:23, 137:2, 137:25, 142:15, 144:5, 159:23, 160:4, 161:10, 161:12, 161:18, 163:5, 163:8</p> <p>who is [3] - 15:23, 145:18, 155:10</p> <p>who told [1] - 145:16</p> <p>who was [5] - 18:13, 127:8, 128:22, 138:25, 156:18</p> <p>who were [3] - 12:20, 109:3, 125:8</p> <p>whole [5] - 91:19, 92:13, 93:8, 115:6, 158:10</p> <p>Wholesale [1] - 36:9</p> <p>whose [1] - 166:9</p> <p>why [35] - 7:24, 8:13, 9:16, 10:23, 24:11, 24:14, 26:6, 28:2, 31:8, 34:16, 38:3, 41:3, 42:3, 43:6, 44:19, 48:4, 49:3, 56:17, 62:3, 63:21, 65:5, 69:14, 72:1, 75:21, 75:25, 82:13, 96:13, 97:6, 117:8, 118:1, 125:12, 130:12, 140:6, 142:13, 144:2</p> <p>wide [1] - 82:2</p> <p>will [5] - 5:2, 5:6, 6:1, 6:6, 6:13</p> <p>William [1] - 23:18</p> <p>Williams [1] - 21:7</p> <p>win [1] - 162:17</p> <p>wireless [1] - 72:24</p> <p>with [140] - 3:9, 3:11, 7:4, 10:14, 14:12, 14:15, 17:6, 17:10, 18:3, 18:18, 18:22, 18:25, 19:3, 20:1, 22:17, 23:2, 23:8, 23:11, 23:14, 24:1, 24:3, 24:9, 24:12, 37:2, 38:20, 46:22, 49:4, 52:16, 52:19, 52:22, 53:8, 53:24, 55:5, 55:16, 55:24, 56:3, 57:17, 58:5, 58:19, 58:21, 63:8, 66:5, 66:12, 67:4, 69:9, 69:12, 69:14, 69:16, 70:16, 70:21, 71:1, 72:1, 76:20, 76:23, 78:17, 81:25, 85:2, 85:7, 85:13, 85:15, 85:20, 86:8, 86:16, 86:21, 87:6, 87:8, 87:18, 88:10, 88:12, 89:1, 89:15, 90:4, 90:18, 98:5, 98:10, 100:10, 100:15, 101:2, 102:7, 105:19, 106:15, 108:11, 108:13, 111:13, 112:4, 112:21, 112:23, 113:11, 116:2, 117:1, 117:15, 117:24, 118:4,</p>
--	---	--	--

<p>119:4, 119:6, 120:17, 121:9, 122:6, 123:1, 123:3, 123:19, 124:17, 124:18, 125:15, 125:22, 126:7, 128:13, 134:14, 138:25, 139:1, 139:3, 139:12, 139:25, 142:20, 144:21, 144:24, 146:6, 146:13, 147:3, 149:3, 149:6, 150:11, 151:8, 152:12, 152:25, 153:11, 153:21, 154:25, 155:10, 155:17, 155:22, 156:1, 156:18, 156:23, 157:9, 159:10, 159:16, 159:23, 160:6</p> <p>within [4] - 3:6, 11:9, 11:13, 166:8</p> <p>without [6] - 117:11, 118:14, 146:5, 146:8, 146:16, 146:18</p> <p>witness [10] - 3:8, 3:12, 3:13, 4:1, 6:1, 12:3, 14:7, 163:14, 166:9, 166:12</p> <p>WITNESS [6] - 19:15, 30:21, 97:3, 106:12, 162:22, 166:17</p> <p>woke [6] - 64:5, 64:12, 64:14, 64:16, 64:18, 148:22</p> <p>woman [1] - 123:25</p> <p>women [1] - 154:25</p> <p>word [1] - 49:10</p> <p>work [30] - 26:7, 28:3, 28:14, 29:5, 30:1, 30:5, 33:7, 33:10, 34:14, 36:14, 38:1, 38:11, 38:20, 39:10, 39:15, 40:23, 41:1, 41:20, 42:7, 60:10, 72:5, 142:17, 146:15, 146:17, 148:6, 148:23, 150:12, 150:16, 151:17</p> <p>worked [18] - 33:12, 34:20, 35:20, 35:22, 37:7, 37:8, 37:11, 37:16, 37:22, 38:15, 39:2, 40:6, 40:13, 40:20, 40:24, 41:22, 42:24, 150:19</p> <p>working [31] - 29:9, 29:16, 31:19, 34:10, 34:25, 35:4, 35:13, 37:13, 37:15, 37:23, 38:3, 38:7, 39:7, 39:13, 39:19, 39:21, 39:25, 40:3, 41:3, 41:17, 41:18, 42:3, 42:11, 42:20, 43:1, 43:6, 65:25, 66:16, 141:25, 142:2, 151:4</p> <p>workweek [1] - 64:10</p> <p>worse [4] - 144:4, 154:13, 154:15, 154:16</p>	<p>worst [1] - 92:3</p> <p>would [68] - 16:9, 16:15, 32:14, 32:16, 32:19, 33:2, 33:3, 33:9, 37:25, 39:4, 47:20, 49:6, 52:2, 53:13, 59:6, 60:1, 64:3, 68:1, 68:6, 71:21, 80:19, 81:25, 82:1, 82:2, 82:3, 82:11, 85:9, 87:21, 88:14, 90:20, 92:4, 92:10, 92:14, 93:3, 93:18, 128:4, 128:9, 130:11, 138:6, 141:20, 142:2, 142:10, 147:3, 147:22, 147:23, 147:24, 148:4, 148:5, 148:9, 148:18, 148:19, 148:22, 148:25, 149:5, 149:16, 149:19, 149:21, 149:22, 150:12, 150:18, 151:3, 152:7, 152:8, 154:14, 156:13, 158:23, 162:14</p> <p>wouldn't [2] - 139:11, 148:9</p> <p>wrap [1] - 144:23</p> <p>wrist [8] - 49:6, 57:14, 57:18, 57:20, 58:19, 58:22, 59:13, 61:5</p> <p>write [8] - 147:7, 148:3, 148:4, 148:5, 148:10, 148:12, 148:14</p> <p>writers [1] - 147:7</p> <p>writing [2] - 147:6, 149:7</p> <p>written [4] - 20:10, 20:11, 20:14, 20:15</p> <p>wrong [7] - 39:7, 76:9, 77:24, 77:25, 126:24, 154:24, 157:9</p>	<p>yellow [4] - 80:16, 80:17, 80:19, 82:9</p> <p>yes [280] - 4:21, 4:25, 5:4, 5:8, 5:11, 5:15, 5:20, 5:23, 6:3, 6:8, 6:12, 6:16, 6:20, 6:22, 6:24, 7:11, 7:19, 8:3, 10:16, 11:18, 12:15, 15:22, 18:6, 19:9, 21:5, 22:1, 24:21, 24:23, 25:3, 25:14, 26:9, 26:19, 26:22, 27:2, 27:9, 28:11, 28:13, 28:23, 30:20, 30:21, 31:10, 31:17, 32:21, 33:14, 33:20, 34:15, 35:21, 36:7, 36:13, 37:21, 38:9, 40:22, 41:19, 41:23, 41:25, 42:10, 42:13, 44:3, 44:9, 44:22, 45:19, 46:21, 47:16, 47:18, 49:16, 49:18, 49:22, 49:24, 50:3, 50:8, 50:10, 50:17, 51:3, 51:5, 52:21, 53:16, 54:7, 56:9, 56:12, 56:16, 56:22, 57:9, 57:16, 57:19, 59:9, 59:15, 60:11, 60:17, 61:18, 61:25, 63:4, 63:16, 64:7, 64:25, 67:8, 67:17, 67:18, 68:3, 68:9, 68:12, 68:16, 68:19, 68:22, 68:25, 70:15, 70:20, 71:2, 72:14, 72:23, 74:24, 76:11, 76:13, 76:16, 76:22, 77:13, 77:17, 77:22, 79:20, 80:5, 81:1, 81:12, 81:14, 81:17, 82:24, 83:6, 84:3, 85:14, 86:6, 86:9, 86:17, 87:2, 87:8, 88:1, 88:20, 89:3, 89:8, 89:14, 89:24, 90:7, 90:22, 91:17, 92:13, 92:21, 92:25, 93:2, 93:12, 93:17, 94:8, 94:18, 95:7, 95:13, 95:22, 96:25, 98:7, 98:9, 98:23, 99:14, 99:17, 100:1, 100:25, 101:5, 101:11, 101:16, 101:24, 102:13, 102:18, 103:2, 103:6, 103:16, 103:21, 104:11, 105:9, 105:13, 106:2, 106:12, 106:21, 107:1, 107:4, 108:14, 108:18, 108:20, 109:21, 109:25, 110:18, 111:9, 111:14, 112:11, 112:22, 113:5, 113:10, 114:22, 115:10, 115:12, 116:4, 116:17, 116:25, 117:2, 118:24, 119:5, 120:4, 120:16, 120:22, 122:7, 122:15, 122:18,</p>	<p>122:24, 123:8, 123:15, 124:2, 124:5, 124:7, 124:22, 126:14, 126:16, 126:23, 127:11, 127:17, 127:20, 128:6, 128:12, 128:19, 128:21, 128:25, 129:2, 129:6, 129:17, 129:24, 130:19, 131:8, 131:13, 131:16, 131:24, 132:5, 132:8, 133:2, 133:5, 133:8, 133:19, 134:7, 135:2, 135:13, 135:16, 135:19, 136:4, 136:12, 136:22, 138:17, 138:24, 139:24, 140:5, 140:23, 141:4, 141:6, 142:6, 142:18, 143:4, 145:12, 145:15, 146:2, 147:21, 148:2, 151:9, 152:1, 152:14, 153:16, 154:4, 155:1, 155:3, 155:19, 156:7, 156:12, 156:24, 159:17, 159:22, 159:24, 160:3, 160:13, 161:15, 161:17, 162:21</p> <p>yesterday [6] - 9:5, 9:6, 9:12, 9:14, 18:10, 19:2</p> <p>yet [1] - 117:24</p> <p>York [28] - 1:20, 1:21, 1:22, 2:5, 2:13, 2:18, 4:3, 4:9, 12:7, 14:12, 14:15, 21:24, 22:20, 24:25, 27:8, 28:22, 45:15, 45:18, 45:21, 45:23, 46:1, 152:12, 163:9, 166:8</p> <p>YORK [6] - 1:1, 1:7, 2:8, 2:9, 166:3, 166:4</p> <p>you [733] - 4:14, 4:17, 5:1, 5:5, 5:9, 5:10, 5:12, 5:13, 5:17, 5:21, 5:25, 6:4, 6:5, 6:6, 6:9, 6:10, 6:11, 6:13, 6:17, 6:18, 6:25, 7:20, 7:22, 8:6, 8:8, 8:11, 8:15, 8:17, 8:22, 8:24, 9:2, 9:4, 9:24, 10:2, 10:5, 10:9, 10:17, 10:21, 10:25, 11:3, 11:6, 11:7, 12:2, 12:18, 12:22, 13:23, 15:20, 15:23, 16:2, 16:7, 16:16, 16:19, 16:21, 17:4, 17:16, 18:21, 18:25, 19:10, 19:16, 20:4, 20:5, 20:7, 20:11, 20:15, 20:23, 21:10, 21:23, 22:2, 22:9, 22:12, 22:15, 22:21, 23:8, 23:11, 23:14, 23:15, 24:1, 24:3, 24:9, 24:12, 24:17, 24:20, 25:2, 25:13, 25:23, 25:25, 26:2, 26:25, 27:1, 27:23, 28:12, 29:16,</p>
	<p>X</p> <p>X [4] - 1:2, 1:11, 165:1, 165:11</p> <p>X's [1] - 21:15</p> <p>Xs [1] - 25:17</p> <p>XX/XX/XXXX [1] - 21:14</p> <p>XXXXXXXXXX [1] - 25:19</p>		
	<p>Y</p> <p>yeah [2] - 65:10, 118:21</p> <p>year [16] - 25:6, 25:25, 26:2, 29:2, 37:12, 39:5, 44:11, 44:18, 55:11, 56:2, 71:9, 155:6, 158:23, 158:24, 159:12, 161:6</p> <p>Years [1] - 52:1</p> <p>years [12] - 10:7, 16:9, 23:1, 23:24, 27:12, 32:7, 46:3, 46:5, 53:13, 145:10, 160:7</p>		

H. RODRIGUEZ

29:19, 30:1, 30:5, 30:6, 30:8, 30:16, 30:22, 31:9, 31:25, 32:2, 32:19, 33:3, 33:9, 33:12, 33:17, 34:13, 34:20, 34:25, 35:13, 35:19, 36:14, 36:24, 37:7, 37:8, 37:10, 37:15, 37:25, 38:7, 38:12, 38:15, 38:18, 39:2, 39:7, 39:10, 39:13, 39:18, 39:21, 40:5, 40:13, 40:20, 40:23, 41:14, 41:18, 41:22, 42:11, 42:14, 42:18, 42:20, 42:23, 43:1, 43:3, 44:4, 44:16, 44:21, 45:25, 46:16, 46:22, 48:15, 49:10, 49:15, 50:16, 50:23, 51:1, 52:2, 52:19, 52:22, 53:4, 53:7, 53:9, 53:11, 53:22, 53:24, 54:2, 54:3, 54:5, 54:8, 54:14, 54:16, 54:20, 55:3, 55:4, 55:7, 55:9, 55:15, 56:5, 56:8, 56:10, 57:1, 57:14, 57:25, 58:5, 58:10, 58:12, 58:16, 58:25, 59:6, 59:7, 59:10, 59:14, 59:16, 59:20, 59:23, 59:24, 60:1, 60:5, 60:15, 60:22, 60:24, 61:16, 62:1, 62:17, 62:25, 63:21, 64:5, 64:12, 64:14, 64:16, 64:20, 65:3, 65:7, 65:13, 65:18, 66:2, 66:8, 66:11, 66:16, 67:3, 67:6, 68:1, 68:17, 68:21, 68:23, 69:3, 69:6, 69:9, 69:12, 69:14, 69:16, 69:23, 70:1, 70:13, 70:16, 70:18, 70:22, 71:1, 71:8, 71:12, 71:21, 72:1, 72:2, 72:9, 72:12, 72:18, 72:19, 72:21, 73:7, 73:16, 73:18, 73:24, 74:3, 74:15, 74:16, 74:21, 74:23, 74:25, 75:9, 75:14, 75:19, 76:3, 76:12, 76:14, 76:15, 76:21, 76:23, 77:1, 77:4, 78:12, 78:15, 79:3, 79:6, 79:9, 79:13, 79:16, 80:9, 81:4, 81:9, 81:10, 81:16, 82:6, 82:16, 82:17, 82:23, 82:24, 83:1, 83:2, 83:4, 83:7, 83:10, 83:12, 83:16, 83:19, 83:20, 83:23, 83:24, 84:1, 84:13, 84:18, 84:21, 84:22, 84:24, 84:25, 85:2, 85:7, 85:13, 85:15, 85:16, 85:20, 85:25, 86:3, 86:8, 86:15, 86:25, 87:1, 87:6, 87:7,	87:9, 87:15, 87:20, 87:24, 88:9, 89:6, 89:15, 89:22, 90:2, 90:5, 90:11, 90:13, 91:1, 91:7, 91:9, 91:14, 91:18, 92:2, 92:4, 92:5, 92:11, 92:14, 92:19, 92:24, 93:3, 93:10, 93:16, 93:19, 93:22, 94:2, 94:4, 94:9, 94:19, 94:25, 95:5, 95:6, 95:10, 95:19, 95:21, 96:5, 96:7, 96:8, 96:11, 96:16, 97:6, 97:10, 97:12, 97:15, 97:17, 97:20, 97:22, 97:25, 98:1, 98:5, 98:14, 98:16, 98:17, 98:21, 99:4, 99:11, 99:15, 99:18, 99:25, 100:6, 100:9, 100:17, 100:20, 100:24, 101:1, 101:3, 101:17, 101:19, 101:22, 102:9, 102:11, 102:16, 102:21, 102:25, 103:4, 103:10, 103:14, 103:17, 103:20, 103:22, 103:24, 104:2, 104:12, 104:16, 105:4, 105:19, 105:25, 106:3, 106:5, 106:9, 106:10, 106:11, 106:13, 106:22, 106:25, 107:9, 107:13, 107:15, 107:17, 108:4, 108:5, 108:7, 108:11, 108:13, 108:21, 108:22, 108:24, 109:7, 109:12, 109:17, 109:19, 110:7, 110:9, 110:17, 110:19, 110:25, 111:4, 111:13, 111:17, 111:20, 112:1, 112:9, 112:12, 112:19, 112:21, 112:23, 113:3, 113:6, 113:9, 113:13, 113:18, 113:22, 113:25, 115:1, 115:2, 115:4, 115:19, 115:24, 116:2, 116:15, 116:16, 117:11, 117:16, 117:18, 117:19, 118:20, 119:3, 119:8, 119:16, 119:18, 119:25, 120:3, 120:5, 120:7, 120:9, 120:14, 120:17, 120:18, 120:20, 121:5, 121:17, 121:25, 122:3, 122:14, 122:16, 122:25, 123:6, 123:7, 123:9, 123:12, 123:21, 123:25, 124:1, 124:3, 124:6, 124:8, 124:17, 124:21, 125:5, 125:14, 125:17, 125:24, 126:4, 126:7, 126:10, 126:22, 127:10, 128:7, 128:13,	128:16, 128:18, 129:3, 129:5, 129:7, 129:10, 130:2, 130:20, 130:23, 131:1, 131:6, 131:12, 131:15, 131:19, 132:3, 132:6, 132:25, 133:1, 133:13, 133:18, 133:23, 134:4, 134:5, 134:21, 135:1, 135:9, 135:17, 135:21, 136:3, 136:20, 136:25, 137:2, 137:4, 137:6, 137:9, 137:12, 137:16, 137:19, 137:20, 138:6, 138:9, 138:14, 138:22, 138:23, 139:7, 139:9, 139:12, 139:14, 139:16, 139:17, 139:22, 139:25, 140:3, 140:9, 140:12, 140:16, 140:25, 141:5, 141:15, 142:2, 142:4, 142:7, 142:9, 142:11, 142:15, 142:23, 142:25, 143:2, 143:9, 143:19, 144:5, 144:10, 144:11, 144:13, 144:17, 145:1, 145:4, 145:9, 145:10, 145:14, 145:16, 145:20, 145:23, 145:25, 147:19, 147:22, 147:24, 148:3, 148:4, 148:15, 148:19, 148:22, 148:25, 149:4, 149:16, 149:19, 149:21, 150:12, 150:15, 150:18, 150:19, 151:3, 151:7, 151:19, 151:20, 151:24, 152:6, 152:7, 152:8, 152:11, 152:22, 152:23, 153:7, 153:9, 153:10, 153:12, 153:13, 153:17, 153:18, 153:22, 153:25, 154:2, 154:5, 154:14, 154:17, 154:23, 155:16, 155:20, 156:1, 156:2, 156:4, 156:11, 156:13, 157:6, 157:19, 158:9, 158:22, 159:23, 160:4, 160:17, 160:24, 161:3, 161:18, 161:25, 162:4, 162:10, 162:14, 162:16, 162:17, 163:1 you're ^[17] - 16:4, 20:19, 21:16, 21:25, 29:16, 31:5, 49:11, 55:7, 61:8, 76:8, 76:14, 82:8, 100:6, 118:19, 133:3, 151:19, 157:24 you've ^[12] - 10:8, 10:17, 10:19, 17:10, 23:9, 59:5, 61:15, 89:9, 92:3, 153:18, 154:24, 156:14	young ^[2] - 12:23, 111:11 your ^[255] - 4:6, 4:8, 4:15, 4:19, 4:20, 4:22, 6:10, 6:21, 7:4, 7:7, 8:24, 9:18, 10:11, 10:12, 11:16, 13:1, 13:5, 16:10, 17:15, 17:16, 17:21, 17:22, 19:19, 19:23, 20:12, 20:14, 21:6, 21:8, 21:10, 21:13, 21:21, 22:6, 22:17, 22:19, 23:12, 24:9, 24:17, 25:1, 25:4, 25:7, 25:10, 25:12, 27:4, 29:3, 29:9, 29:16, 30:3, 30:22, 31:2, 31:21, 31:24, 32:8, 32:12, 32:19, 32:20, 32:25, 33:4, 33:6, 33:15, 33:25, 34:4, 35:16, 37:5, 39:18, 40:5, 40:16, 41:5, 42:1, 50:6, 54:10, 54:22, 56:23, 57:14, 57:18, 57:20, 58:19, 58:22, 59:5, 59:13, 60:4, 60:10, 60:12, 60:15, 60:18, 61:5, 62:23, 64:3, 64:4, 64:5, 65:1, 65:3, 65:11, 65:13, 65:20, 66:5, 66:7, 66:9, 66:12, 66:16, 66:19, 67:4, 67:7, 68:6, 68:20, 69:7, 69:11, 69:19, 69:21, 69:23, 70:1, 70:4, 70:10, 70:16, 70:18, 70:21, 70:23, 71:5, 71:10, 71:15, 71:19, 72:1, 72:6, 72:19, 72:21, 73:3, 73:5, 73:6, 73:7, 73:9, 73:15, 73:16, 74:15, 74:23, 75:2, 75:5, 76:8, 76:23, 77:1, 78:17, 78:20, 78:23, 80:24, 81:9, 81:24, 82:5, 82:6, 82:13, 82:17, 82:24, 83:12, 83:16, 83:19, 83:24, 84:2, 85:5, 85:25, 86:7, 86:8, 86:10, 87:11, 88:12, 88:16, 88:18, 88:24, 90:5, 90:8, 90:9, 90:13, 90:18, 90:21, 91:1, 91:4, 91:23, 92:5, 92:8, 92:12, 92:20, 92:24, 93:7, 93:11, 93:13, 93:16, 93:21, 93:22, 93:25, 94:21, 96:18, 98:1, 98:3, 98:5, 98:6, 98:8, 98:11, 98:13, 99:24, 100:10, 101:3, 101:6, 101:9, 101:12, 101:20, 101:22, 103:25, 104:2, 104:8, 104:10, 105:15, 114:10, 114:12, 114:14, 114:17, 127:16, 127:18, 127:19, 128:24, 129:1, 129:7, 129:15, 129:22, 130:2,
--	--	---	--

130:14, 135:8, 135:14,
 135:23, 136:23, 140:20,
 141:9, 141:13, 141:22,
 145:5, 145:7, 148:18,
 149:23, 150:1, 151:25,
 152:12, 152:15, 156:22,
 157:19, 161:1, 161:7,
 162:10, 162:18
yourself ^[3] - 17:1,
 17:22, 91:4
youth ^[5] - 36:11, 36:24,
 40:1, 40:2, 40:8

Z

Z ^[2] - 4:1, 163:4
Z-E-V-A-L-L-A-S ^[1] -
 163:4
Zachary ^[1] - 4:12
ZACHARY ^[2] - 2:7, 2:14
Zevallas ^[1] - 162:24
Zheng ^[1] - 161:12
ZHENG ^[2] - 1:7, 2:9
ZUOPENG ^[2] - 1:7, 2:9

°

° ^[4] - 163:16